

BEFORE THE  
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

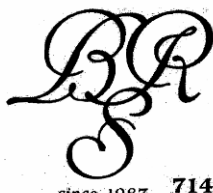
IN THE MATTER OF THE: )  
 )  
REGULAR MONTHLY BUSINESS )  
MEETING )  
 )

DATE AND TIME: WEDNESDAY, AUGUST 28, 1996  
9:30 A.M.

PLACE: BOARD ROOM  
8800 CAL CENTER DRIVE  
SACRAMENTO, CALIFORNIA

REPORTER: BETH C. DRAIN, RPR, CSR  
CERTIFICATE NO. 7152

BRS FILE NO.: 35067



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APPEARANCES

MR. DANIEL G. PENNINGTON, CHAIRMAN  
MR. ROBERT C. FRAZEE, VICE CHAIRMAN  
MR. WESLEY CHESBRO, MEMBER  
MS. JANET GOTCH, MEMBER  
MR. PAUL RELIS, MEMBER

STAFF PRESENT

MR. RALPH CHANDLER, CHIEF EXECUTIVE OFFICER  
MS. KATHRYN TOBIAS, LEGAL COUNSEL  
MS. MARLENE KELLY, BOARD SECRETARY



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1 SACRAMENTO, CALIFORNIA; WEDNESDAY, AUGUST 28, 1996

2 9:40 A.M.

3

4 CHAIRMAN PENNINGTON: GOOD MORNING.

5 WELCOME TO THE AUGUST MEETING OF THE CALIFORNIA

6 INTEGRATED WASTE MANAGEMENT BOARD. SECRETARY CALL

7 THE ROLL, PLEASE.

8 BOARD SECRETARY: BOARD MEMBER CHESBRO.

9 BOARD MEMBER CHESBRO: HERE.

10 BOARD SECRETARY: FRAZEE.

11 BOARD MEMBER FRAZEE: HERE.

12 BOARD SECRETARY: GOTCH.

13 BOARD MEMBER GOTCH: HERE.

14 BOARD SECRETARY: RELIS.

15 BOARD MEMBER RELIS: HERE.

16 BOARD SECRETARY: CHAIRMAN PENNINGTON.

17 CHAIRMAN PENNINGTON: HERE. WE HAVE A

18 QUORUM.

19 DOES ANY MEMBER HAVE ANY EX PARTES

20 THEY'D LIKE TO DO? I'LL START WITH MR. CHESBRO.

21 BOARD MEMBER CHESBRO: MR. CHAIRMAN, THE

22 TWO THAT I HAVE ARE AGENDA ITEMS THAT ARE ON

23 TODAY. I HAD A DISCUSSION WITH CHUCK WHITE OF WMX

24 TECHNOLOGIES REGARDING ITEM 27, AND ALSO I HAD A

25 BRIEF CONVERSATION THIS MORNING WITH LARRY





1 SWEETSER REPRESENTING NORCAL AND SAN BERNARDINO  
2 COUNTY REGARDING ITEM 18, THE SAN BERNARDINO  
3 COUNTY PLANNING DOCUMENTS.

4 CHAIRMAN PENNINGTON: MS. GOTCH.

5 BOARD MEMBER GOTCH: I BELIEVE I'M CAUGHT  
6 UP ON ALL -- WE ALL RECEIVED A LETTER THAT WAS  
7 DIRECTED TOWARDS YOU.

8 CHAIRMAN PENNINGTON: I'LL MENTION THAT.

9 BOARD MEMBER GOTCH: OKAY. GREAT.

10 BOARD MEMBER RELIS: MR. CHAIRMAN, I HAD A  
11 SIMILAR DISCUSSION WITH CHUCK WHITE OF WMX  
12 REGARDING THE POD MATTER.

13 BOARD MEMBER FRAZEE: MINE ARE ALL  
14 RECORDED.

15 CHAIRMAN PENNINGTON: OKAY. I THINK ALL OF  
16 MINE ARE RECORDED EXCEPT THAT ACTUALLY I RECEIVED  
17 TWO LETTERS, ONE AUGUST 18TH AND ONE DATED AUGUST  
18 23D FROM MR. JAMGOTCHIAN, WHOLESALE RECYCLING,  
19 REGARDING THE CITY OF HAWTHORNE'S REFUSE  
20 COLLECTION. OKAY.

21 AS A REMINDER, ANYBODY WHO'S  
22 INTERESTED IN ADDRESSING THE BOARD ON ANY ITEM,  
23 THERE ARE SLIPS IN THE BACK ON THE TABLE BACK  
24 THERE TO BE FILLED OUT. AND IF YOU FILL THEM OUT  
25 AND GIVE THEM TO MS. KELLY, WE'LL CALL ON YOU AT



1 THE APPROPRIATE TIMES.

2 I HAVE ONE ANNOUNCEMENT ABOUT TODAY'S  
3 AGENDA. ITEM 6 HAS BEEN PULLED AND WILL NOT BE  
4 HEARD. ALSO -- I THINK THAT'S IT.

5 BOARD MEMBER GOTCH: MR. CHAIRMAN.

6 CHAIRMAN PENNINGTON: YES.

7 BOARD MEMBER GOTCH: I OBJECT TO ITEM 6  
8 BEING PULLED. I'D LIKE A BRIEF DISCUSSION OF  
9 THAT, PLEASE. ANY PROBLEM WITH THAT?

10 CHAIRMAN PENNINGTON: I DON'T KNOW WHAT  
11 WE'LL DISCUSS. THE PERSON ISN'T HERE.

12 BOARD MEMBER GOTCH: JUST ON THE POLICY  
13 ITSELF.

14 CHAIRMAN PENNINGTON: OKAY. I DON'T THINK  
15 THE POLICY IS ON THE AGENDA, BUT THAT'S FINE.

16 OKAY. LET'S HEAR REPORTS OF THE  
17 BOARD'S COMMITTEES. START WITH MS. GOTCH,  
18 CHAIRMAN OF THE LEGISLATIVE AND EDUCATION  
19 COMMITTEE.

20 BOARD MEMBER GOTCH: THANK YOU, MR. CHAIR.  
21 THE LEGISLATION AND PUBLIC EDUCATION COMMITTEE DID  
22 NOT MEET THIS MONTH. AS YOU MAY KNOW, THE LEGIS-  
23 LATURE IS WINDING DOWN NOW AND WILL ADJOURN LATER  
24 ON THIS WEEK FOR THE REMAINDER OF THE YEAR. THE  
25 COMMITTEE'S FOCUS FOR THE NEXT FEW MONTHS WILL BE



1     PRIMARYLY ON PUBLIC EDUCATION THEN.

2             ADDITIONALLY, OUR LEGISLATION UNIT HAS  
3     PROVIDED EACH OF YOU WITH AN UPDATE ON ALL THE  
4     BILLS WE'VE LOOKED AT IN THE CURRENT TWO-YEAR  
5     SESSION. AND THAT COMPLETES MY REPORT.

6             CHAIRMAN PENNINGTON:  THANK YOU, MS. GOTCH.  
7     NEXT WE HAVE LOCAL ASSISTANCE AND PLANNING.  MR.  
8     CHESBRO AS CHAIR.

9             BOARD MEMBER CHESBRO:  MR. CHAIRMAN, THE  
10    LOCAL ASSISTANCE AND PLANNING COMMITTEE RECEIVED  
11    UPDATES FROM THE DIVERSION, PLANNING, AND LOCAL  
12    ASSISTANCE DIVISION AND THE WASTE PREVENTION AND  
13    MARKET DEVELOPMENT DIVISION AT OUR MEETING.  THE  
14    COMMITTEE CONSIDERED 18 PLANNING DOCUMENTS, WHICH  
15    REPRESENTED 11 JURISDICTIONS.  ALL OF THE PLANS  
16    ARE ON THE CONSENT CALENDAR EXCEPT ONE.

17            AT THE TIME OF THE COMMITTEE MEETING,  
18    STAFF HAD CONCERNS OVER THE COUNTY OF SAN BERNAR-  
19    DINO SITING ELEMENT.  THE COMMITTEE RECOMMENDED AN  
20    APPROVAL OF THAT ITEM NO. 18 ONLY IF CERTAIN  
21    CONDITIONS WERE MET.  STAFF IS PREPARED TO SAY, I  
22    BELIEVE, THAT ALL THOSE CONDITIONS HAVE BEEN MET.  
23    AND IF THERE ARE NO OBJECTIONS BY OTHER BOARD  
24    MEMBERS, I'D BE PREPARED TO SUGGEST THAT WE PLACE  
25    THE SITING ELEMENT FOR ITEM NO. 18 WITH AN



1 APPROVAL RECOMMENDATION ALONG WITH THE SUMMARY  
2 PLAN FOR THE COUNTY OF SAN BERNARDINO COUNTY ON  
3 THE CONSENT CALENDAR.

4 CHAIRMAN PENNINGTON: MR. CHESBRO, MY ONLY  
5 PROBLEM WITH IT IS I THINK THE COMMITTEE ACTION  
6 WAS DISAPPROVAL.

7 BOARD MEMBER CHESBRO: THERE WAS A DUAL --  
8 ACTUALLY DUAL RECOMMENDATION. IF THEY FAILED TO  
9 MEET CONDITIONS, IT'S A DISAPPROVAL. IF THEY MEET  
10 CONDITIONS, IT'S APPROVAL. SINCE THE CONDITIONS  
11 HAVE BEEN MET, I THINK THE OTHER COMMITTEE MEMBERS  
12 WILL AGREE THAT IT NOW STANDS AS AN APPROVAL  
13 RECOMMENDATION, ASSUMING STAFF CONFIRMS MY  
14 UNDERSTANDING.

15 CHAIRMAN PENNINGTON: I'M JUST WONDERING IF  
16 WE SHOULD HAVE ON RECORD THAT -- THE ITEMS WHICH  
17 NEEDED TO BE CORRECTED SHOULD BE ON THE RECORD AND  
18 NOT --

19 BOARD MEMBER CHESBRO: WELL, WHATEVER.  
20 IT'S NOT THAT BIG A DEAL. I'M JUST TRYING TO  
21 EXPEDITE THINGS.

22 CHAIRMAN PENNINGTON: IT'S NOT THAT BIG A  
23 DEAL FOR ME EITHER. I JUST WANT TO MAKE SURE THAT  
24 WE HAVE A PROPER RECORD. THANK YOU.

25 BOARD MEMBER CHESBRO: SO YOU WOULD LIKE TO



1 HAVE THE STAFF CONFIRMATION AS PART OF THE AGENDA  
2 ITEM?

3 CHAIRMAN PENNINGTON: YES.

4 BOARD MEMBER CHESBRO: OKAY. THE COMMITTEE  
5 ALSO APPROVED PROCEDURES FOR BOARD REVIEW AND  
6 ACTION REGARDING THE QUARTERLY DISPOSAL REPORTS.  
7 THIS ITEM WAS PUT ON THE CONSENT CALENDAR AS WELL,  
8 ALTHOUGH I NOTE THERE'S AN UPDATE THAT WAS SITTING  
9 ON THE COUNTER REGARDING THE NUMBER OF JURIS-  
10 DICTIONS WHO ARE -- HAVE NOT SUBMITTED THEIR  
11 REPORTS.

12 MAYBE WE COULD ASK STAFF TO IN FIVE  
13 SECONDS OR LESS OR JUST DESCRIBE TO US THAT  
14 CHANGE, WHERE WE STAND NOW. IS THAT, OKAY, MR.  
15 CHAIRMAN?

16 CHAIRMAN PENNINGTON: YES, ABSOLUTELY.

17 BOARD MEMBER CHESBRO: JUST TAKE A MOMENT,  
18 BUT IT IS ON CONSENT, BUT SINCE THE REPORT  
19 CHANGED, I THOUGHT THE BOARD OUGHT TO HEAR WHAT  
20 THE STATUS IS.

21 MS. VAN KEKERIX: ANOTHER COUNTY HAS  
22 SUBMITTED THEIR DISPOSAL REPORTING. SO WE'RE DOWN  
23 TO FIVE COUNTIES THAT NOW STILL HAVE NOT SUBMITTED  
24 THE DISPOSAL REPORTING FOR 1995, AND STAFF'S  
25 CONTINUING TO WORK WITH THOSE COUNTIES.



1 BOARD MEMBER CHESBRO: OKAY. THANK YOU.  
2 AS FAR AS BRIEF UPDATES, WASTE PREVENTION STAFF  
3 ATTENDED A MEETING ON JULY 8TH WITH REPRESENTATIVES OF ALL CAL/EPA BOARDS AND DEPARTMENTS TO  
4 DISCUSS STATUS OF THE HHWE'S AND THE NEW CAL/EPA  
5 BUILDING AND OFFER GREEN BUILDING SUGGESTIONS AND  
6 TO PLEDGE THE BOARD STAFF'S CONTINUING SUPPORT FOR  
7 EFFORTS TO HANDLE THAT BUILDING IN A WAY THAT'S  
8 APPROPRIATE GIVEN OUR MANDATE.

10 THE AREAS OF INPUT INCLUDED UTILIZING  
11 SALVAGE MATERIALS, ENCOURAGING RECYCLED CONTENT  
12 BUILDING MATERIALS, AND DEDICATING SPACE FOR  
13 COLLECTION OF RECYCLABLES BOTH IN OFFICE AREAS AND  
14 ON THE LOADING DOCK.

15 PUBLIC EDUCATION STAFF ARE WORKING  
16 WITH CALIFORNIA COLLEGIATE RECYCLING COUNCIL ON  
17 IMPLEMENTING TWO REGIONAL WORKSHOPS FOR CAMPUS  
18 WASTE REDUCTION AND RECYCLING COORDINATORS.

19 AND FINALLY, THE TRUTH IS OUT. THE  
20 LEGISLATIVE BRANCH OF GOVERNMENT WASTES PAPER JUST  
21 LIKE THE EXECUTIVE BRANCH. STAFF MET WITH REPRESENTATIVES OF THE LEGISLATIVE BILL ROOM ANNEX TO  
22 SET UP A COLLECTION PROGRAM. AND THE BILL ROOM  
23 TYPICALLY GENERATES ANYWHERE FROM 2,000 TO 9,000  
24 POUNDS OF LEGISLATIVE BILLS DAILY WHEN THE



1     LEGISLATURE IS IN SESSION THAT CAN BE RECYCLED.  
2     AND STAFF IS WORKING WITH OUR CONTRACTOR TO TRY TO  
3     GET THE LEGISLATURE TO WALK ITS TALK. SO THAT  
4     CONCLUDES MY REPORT.

5           CHAIRMAN PENNINGTON: OKAY. THANK YOU.  
6     AND NEXT WE HAVE PERMITTING AND ENFORCEMENT. MR.  
7     FRAZEE.

8           BOARD MEMBER FRAZEE: THANK YOU, MR.  
9     CHAIRMAN. THE PERMITTING AND ENFORCEMENT  
10    COMMITTEE MET ON AUGUST 7TH. WE HAVE A LIST OF  
11    ITEMS THAT ARE RECOMMENDED FOR TODAY'S CONSENT  
12    CALENDAR. THEY ARE, FIRST OF ALL, CONCURRENCE IN  
13    THE ISSUANCE OF A STANDARDIZED COMPOSTING PERMIT  
14    FOR THE POTRERO HILLS LANDFILL COMPOST FACILITY IN  
15    SOLANO COUNTY. AND I UNDERSTAND THERE'S A REQUEST  
16    TO PULL THAT ONE OFF OF THE CONSENT CALENDAR.

17           NO. 2, THE LIST OF FACILITIES WHOSE  
18    PERMITS HAVE NOT BEEN REVIEWED BY THE ENFORCEMENT  
19    AGENCY IN THE LAST FIVE YEARS, THAT LIST WAS A  
20    REQUIREMENT OF ASSEMBLY BILL 59.

21           NEXT, THE REMEDIATION OF THREE WASTE  
22    TIRE SITES IN RIVERSIDE AND SAN BENITO COUNTIES,  
23    AND THE DELEGATION OF DUTIES AND RESPONSIBILITIES  
24    TO THE EXECUTIVE DIRECTOR WHEN THE BOARD ACTS AS  
25    THE ENFORCEMENT AGENT.



1           AND THEN AN ITEM REGARDING THE  
2   PREVIOUS ACTION BY THIS BOARD TO PUT OUT FOR  
3   PUBLIC COMMENTS THE ELIMINATION OF THE AGRICUL-  
4   TURAL WASTE MANAGEMENT STANDARDS FROM TITLE 14.  
5   BASED ON THE COMMENTS FROM SEVERAL LEA'S, IT WAS  
6   FELT THAT THESE STANDARDS SHOULD BE KEPT IN PLACE  
7   WITH SOME ADMINISTRATIVE CLEANUP TO REFLECT STATU-  
8   TORY REFERENCES. SO THAT ITEM WILL NOT BE MOVING  
9   FORWARD AS ORIGINALLY PROPOSED, BUT RATHER JUST  
10   LOOKING AT STATUTORY CLEANUP.

11           THEN ITEMS ON THE REGULAR AGENDA,  
12   CONCURRENCE IN THE ISSUANCE OF A REVISED PERMIT  
13   FOR THE L AND D LANDFILL IN SACRAMENTO COUNTY, AN  
14   ITEM REGARDING AN UPDATE OF THE INVENTORY OF SOLID  
15   WASTE FACILITIES WHICH VIOLATE MINIMUM STANDARDS.  
16   THE COMMITTEE ASKED THAT THE INVENTORY INCLUDE THE  
17   STATUS AND NATURE OF EACH VIOLATION, THE DATE OF  
18   VIOLATION, AND WHAT ACTIONS ARE BEING TAKEN TO  
19   CORRECT THE VIOLATIONS. INCLUSION OF THIS INFOR-  
20   MATION IN TODAY'S BOARD PACKET SATISFIES THE  
21   STATUTORY REQUIREMENT TO PUBLISH THE INVENTORY.

22           AND I'M -- I'M GOING TO HAVE TO ASK  
23   STAFF BECAUSE I UNDERSTOOD THAT WE DID NOT HAVE  
24   THAT COMPLETE. NOW, DOES THIS DOCUMENT COMPLETE  
25   THAT ITEM OR NOT?





1 MS. RICE: NO.

2 BOARD MEMBER FRAZEE: IT DOES NOT. OKAY.

3 SO THAT ITEM WILL NOT BE READY TODAY, AND THE  
4 STAFF WILL BE REPORTING BACK TO THE COMMITTEE IN  
5 SEPTEMBER ON SUPPLEMENTAL COMPLIANCE AND ENFORCE-  
6 MENT INFORMATION.

7 TWO ADDITIONAL ITEMS WERE CONSIDERED.  
8 THE COMMITTEE APPROVED THE NOTICE OF FINANCIAL  
9 ASSURANCES REGULATION, AND THE COMMITTEE HEARD AN  
10 ITEM ON PROPOSED REGULATIONS TO PLACE NONHAZARDOUS  
11 ASH OPERATIONS AND FACILITIES WITHIN THE REGULA-  
12 TORY TIER. THIS ITEM WAS CARRIED OVER TO THE  
13 SEPTEMBER P&E COMMITTEE IN ORDER TO PROVIDE A BIT  
14 MORE INFORMAL COMMENT PRIOR TO GOING TO PUBLIC  
15 NOTICE.

16 AND THAT CONCLUDES MY REPORT.

17 CHAIRMAN PENNINGTON: THANK YOU, MR.  
18 FRAZEE. NEXT IS MARKET DEVELOPMENT.

19 BOARD MEMBER CHESBRO: MAY I ASK A  
20 QUESTION?

21 CHAIRMAN PENNINGTON: OH, CERTAINLY.

22 BOARD MEMBER CHESBRO: ONE ITEM IS BEING  
23 PULLED; IS THAT WHAT I UNDERSTOOD?

24 BOARD MEMBER FRAZEE: THE ITEM DEALING WITH  
25 THE INVENTORY.



1 BOARD MEMBER CHESBRO: IS BEING PULLED.

2 BOARD MEMBER FRAZEE: THERE'S -- WE HAD A  
3 LITTLE BIT OF LAST-MINUTE CONFUSION OVER THIS. WE  
4 THOUGHT THE STAFF WOULD BE PREPARED WITH A COM-  
5 PLETE LIST OF THOSE, AND APPARENTLY THAT'S NOT THE  
6 CASE.

7 MS. RICE: IF I COULD CLARIFY, WE'D BE  
8 HAPPY TO MAKE THE PRESENTATION TODAY. WHAT IS NOT  
9 AVAILABLE IS THE ADDITIONAL INFORMATION REQUESTED  
10 AT THE COMMITTEE ON THE STATUS OF THE VIOLATION  
11 AND THE PLANS FOR CORRECTION, BUT THE INVENTORY  
12 ITSELF IS READY.

13 AND APPARENTLY WHAT HAD BEEN PASSED  
14 OUT AND CAUSED SOME CONFUSION IS SIMPLY AN UPDATE  
15 OF THAT LIST WITHOUT THE ADDITIONAL INFORMATION WE  
16 HAVE COMMITTED TO DO FOR SEPTEMBER. SO WE WOULD  
17 BE HAPPY TO GO WITH THE ITEM THAT IS NOTICED ON  
18 THE AGENDA TODAY.

19 BOARD MEMBER FRAZEE: AND THAT WOULD  
20 ACCOMPLISH THE REQUIREMENT TO --

21 MS. RICE: TO PUBLISH THE INVENTORY.

22 BOARD MEMBER FRAZEE: AND THEN WE WILL  
23 STILL GET A MORE DETAILED --

24 MS. RICE: A REPORT ON THE STATUS OF  
25 VIOLATIONS NEXT MONTH.



1 CHAIRMAN PENNINGTON: OKAY. SO ITEM 23, IS  
2 THAT CORRECT, IS STILL ON?

3 BOARD MEMBER FRAZEE: STILL ON, YES.

4 CHAIRMAN PENNINGTON: OKAY. VERY GOOD.  
5 NOW WE GO TO THE MARKET DEVELOPMENT COMMITTEE, MR.  
6 RELIS.

7 BOARD MEMBER RELIS: WE CONSIDERED THREE  
8 ITEMS, ALL OF WHICH ARE ON TODAY'S AGENDA. ONE, I  
9 GUESS, WAS BEING PULLED, BUT WILL BE DISCUSSED.  
10 THE FIRST IS ITEM 5, AND THAT CONCERNS  
11 THE 1996 MARKET DEVELOPMENT PLAN FORWARDED TO THE  
12 FULL BOARD WITH A THREE OH RECOMMENDATION. AND  
13 THIS CONCERNS OUR BROAD APPROACH TO THE MARKET  
14 DEVELOPMENT OF ALL MATERIALS RELATED TO MEETING  
15 OUR YEAR 2000 MANDATE.

16 THE SECOND ITEM WAS A DISCUSSION OF A  
17 RECOMMENDED POSITION ON THE LOAN COMMITTEE. AND  
18 THE THIRD CONCERNED A PRESENTATION BY THE BATTELLE  
19 MEMORIAL INSTITUTE ON TECHNOLOGIES FOR STRUCTURAL  
20 APPLICATIONS OF RECYCLED PLASTIC LUMBER.

21 STAFF WAS DIRECTED TO MAKE A BRIEF  
22 PRESENTATION TO THE BOARD AT THIS MEETING AND TO  
23 PREPARE A LETTER OF SUPPORT FOR THE PROJECT. AND  
24 WE'LL BE HEARING MORE OF THAT LATER. THAT  
25 COMPLETES MY REPORT.



1 CHAIRMAN PENNINGTON: THANK YOU. AND MR.  
2 RELIS ALSO CHAIRS THE POLICY RESEARCH AND  
3 TECHNICAL ASSISTANCE COMMITTEE.

4 BOARD MEMBER RELIS: THAT'S CORRECT.  
5 AND -- AND I DID NOT PREPARE MY REPORT FOR THAT.  
6 I'M NOT USED TO DOING THAT.

7 CHAIRMAN PENNINGTON: I'LL ACCEPT YOUR  
8 REPORT AS GIVEN.

9 BOARD MEMBER RELIS: WELL, WE HAD AN  
10 INFORMATION ITEM, DISCUSSION ON TIRE RELATED  
11 ACTIVITIES, BUT NO ITEM TODAY BEFORE THE BOARD.

12 CHAIRMAN PENNINGTON: OKAY. THANK YOU.  
13 AND THE ADMINISTRATION COMMITTEE, WHICH I CHAIR,  
14 THE ADMINISTRATION COMMITTEE MET ON AUGUST 6TH AND  
15 CONSIDERED ONE ITEM, THE CONTRACT CONCEPT TO  
16 IMPLEMENT THE 1996 U.S. EPA JOBS THROUGH RECYCLING  
17 INITIATIVE GRANT. THIS GRANT WILL ASSIST RMDZ'S  
18 AND BUSINESSES IN AREAS WITH MILITARY BASE  
19 CLOSURES. THE ITEM IS ON THE CONSENT CALENDAR  
20 AGENDA.

21 NOW WE HAVE THE REPORT FROM THE  
22 EXECUTIVE DIRECTOR, MR. CHANDLER.

23 MR. CHANDLER: THANK YOU, MR. CHAIRMAN, AND  
24 GOOD MORNING, MEMBERS. MANY OF YOU WHO HAVE BEEN  
25 ON THE BOARD FOR A WHILE WILL RECALL THAT I HAD



1 OCCASION -- HAD THE UNFORTUNATE TASK OF COMING  
2 BEFORE YOU AND ASKING FOR YOUR CONSIDERATION OF  
3 EMERGENCY REGULATIONS THAT WE WOULD PUT IN PLACE  
4 ON A TEMPORARY BASIS TO RESPOND TO SOME OF CALI-  
5 FORNIA'S NATURAL DISASTERS OR EMERGENCIES, IF IT  
6 WASN'T THE OAKLAND HILLS FIRE OR THE LOMA PRIATA  
7 EARTHQUAKE, AND PERHAPS MUDSLIDES IN MALIBU,  
8 FLOODS THROUGHOUT THE STATE.

9 AS YOU KNOW, WE DID THEM ON AN  
10 EMERGENCY-BY-EMERGENCY BASIS OR TO SIMPLY ALLOW  
11 THE LEA'S TO PROVIDE WAIVERS TO THE VARIOUS JURIS-  
12 DICTIONS WHERE WE HAD THE NEED FOR EXTENDED HOURS  
13 OF OPERATION, PERHAPS WAIVING SOME OF THE TONNAGES  
14 AND THE LIKE.

15 WE HAVE NOW DEVELOPED THE EMERGENCY  
16 WAIVER REG PACKAGE THAT ACTUALLY WILL ALLOW THE  
17 LEA'S THEMSELVES TO GRANT ON A CASE-BY-CASE BASIS  
18 TO SOLID WASTE FACILITY OPERATORS IN THE EVENT OF  
19 SUCH EARTHQUAKES, FLOODS, FIRES, OR DISASTERS.

20 WHAT THIS WILL ACTUALLY RESULT IN OR  
21 MEAN IS THAT WE'LL HAVE AN IMPROVEMENT IN THE  
22 RESPONSE TIME FOR LOCAL GOVERNMENT AND LEA'S  
23 FOLLOWING DISASTERS. LOCAL GOVERNMENTS WON'T HAVE  
24 TO WAIT FOR THE BOARD TO ADOPT EMERGENCY REGS  
25 IMMEDIATELY FOLLOWING THE DISASTER AND, THEREFORE,



1 REDUCE THE NUMBER OF EMERGENCY MEETINGS HELD BY  
2 THE BOARD TO RESPOND IN THIS REGARD.

3 THE REGS WERE DEVELOPED OVER AN 18-  
4 MONTH PERIOD BY THE LOCAL ASSISTANCE STAFF AND THE  
5 PLANNING DIVISION, PARTICULARLY POINT OUT THAT  
6 CHRIS DIETRICH IS THE PRINCIPAL STAFF INVOLVED  
7 ALONG WITH MAUREEN MORRISON AND ELLIOT BLOCK OF  
8 THE LEGAL OFFICE. AND WE COORDINATED, OF COURSE,  
9 WITH THE LEA'S, OPERATORS, AND LOCAL PLANNERS.

10 THE SUCCESS OF THIS PACKAGE WAS  
11 DEMONSTRATED BY THE COMPLIMENTS WE RECEIVED FROM  
12 OAL ON THE CLARITY AND THE ORGANIZATION OF THIS  
13 RULEMAKING FILE. OBVIOUSLY, I HOPE THIS IS A  
14 REGULATORY PACKAGE WE DON'T NEED TO RELY ON. BUT  
15 I THINK IT'S WORTH NOTING THAT WE DO HAVE THOSE IN  
16 PLACE AND PUTS IN THE HANDS OF THE LEA THE FLEXI-  
17 BILITY THAT WE SO MUCH NEED.

18 A SECOND ITEM THIS MORNING, MEMBERS,  
19 HAS TO DO WITH THE JOINT WORKSHOP ON OUR 1220  
20 REGULATIONS. JUST A REMINDER, WE WILL BE HOLDING  
21 A JOINT HEARING WITH THE WATER BOARD THE AFTERNOON  
22 OF SEPTEMBER 11TH FOLLOWING THE P&E COMMITTEE  
23 MEETING ON THE AB 1220 REGULATIONS THAT SEEK TO  
24 ELIMINATE OVERLAP BETWEEN OUR TWO PROGRAMS.

25 THIS HEARING WILL PROVIDE AN OPPOR-



1 TUNITY FOR PUBLIC TESTIMONY ON THE REGULATIONS ON  
2 THE FINAL DAY OF THE CURRENT 45-DAY COMMENT PERIOD  
3 WITHIN THE OAL PROCESS. THE PURPOSE OF THE  
4 HEARING IS FOR RECEIVING INPUT ONLY. TO DATE  
5 THREE MEMBERS OF THE WATER BOARD INDICATED THEIR  
6 INTENT TO PARTICIPATE IN THE MEETING: VICE CHAIR  
7 MARY ANN FORSTER, MEMBERS JOHN BROWN AND MARC DEL  
8 PIERO.

9 STAFF WILL BEGIN THE WORK OF RESPOND-  
10 ING TO THESE COMMENTS FOLLOWING THE HEARING, AND  
11 STAFF HAS TARGETED THE END OF NOVEMBER AS THE TIME  
12 FRAME FOR THE NEXT OAL COMMENT PERIOD TO BEGIN.

13 AND LASTLY, JUST AN UPDATE ON THE  
14 STATUS OF OUR RPPC STAFF WORK. AT THE DIRECTION  
15 OF THE BOARD LAST MONTH, STAFF PREPARED INFOR-  
16 MATION RESPONDING TO COMMENTS BY INTERESTED  
17 PARTIES ON THE PROPOSED RIGID PLASTICS PACKAGING  
18 CONTAINER RATE. A LETTER WAS SENT FROM MY OFFICE  
19 TO ALL INTERESTED PARTIES, AND WE NOW HAVE THE  
20 COMPLETED STAFF WORK THAT WENT OUT MONDAY.

21 AND THIS LETTER RESPONDS TO THE AREA  
22 PER THE BOARD'S DIRECTION, NO. 1, THE NATIONAL  
23 RESIN SALES FIGURES AS A BENCHMARK; NO. 2, STAFF'S  
24 RESPONSE TO ISSUES RAISED BY INTERESTED PARTIES;  
25 AND, FINALLY, INFORMATION RELATED TO COMPONENTS OF



1 THE DENOMINATOR FOR THE RPPC RATE.

2 STAFF IS EXPECTING TO RECEIVE COMMENTS  
3 ON THIS INFORMATION BY CLOSE OF BUSINESS TODAY AND  
4 WILL KEEP YOU INFORMED ON THE STATUS OF THESE  
5 COMMENTS. AND THAT, MR. CHAIRMAN, MEMBERS,  
6 CONCLUDES MY REPORT.

7 CHAIRMAN PENNINGTON: THANK YOU, MR.  
8 CHANDLER.

9 NEXT IS THE CONSIDERATION OF THE  
10 CONSENT AGENDA. THE CONSENT AGENDA INCLUDES ITEMS  
11 4, 8 THROUGH 17, THE SUMMARY PORTION -- SUMMARY  
12 PLAN PORTION OF ITEM 18, 19 THROUGH 22, 24, AND  
13 26.

14 AS REQUESTED BY BOARD MEMBER CHESBRO,  
15 ITEM 24 IS BEING PULLED FROM THE CONSENT CALENDAR  
16 FOR FULL BOARD HEARING. ALSO, ITEM 26, THE  
17 POTRERO HILLS LANDFILL COMPOST FACILITY IN SOLANO  
18 COUNTY WILL BE HEARD, I BELIEVE.

19 MS. TOBIAS: MR. CHAIRMAN, YOU MAY WANT TO  
20 CHECK TO SEE WHETHER MRS. BONICCI IS HERE. SHE  
21 SAID SHE WAS GOING TO BE.

22 CHAIRMAN PENNINGTON: SHE SAID SHE'S GOING  
23 TO BE HERE. SO IT IS OFF THE CONSENT CALENDAR.

24 BOARD MEMBER RELIS: I WILL MOVE THE  
25 CONSENT.





1 BOARD MEMBER FRAZEE: SECOND.

2 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND  
3 SECONDED THAT THE CONSENT AGENDA ITEMS BE ADOPTED.  
4 WILL THE SECRETARY CALL THE ROLL.

5 BOARD SECRETARY: BOARD MEMBER CHESBRO.

6 BOARD MEMBER CHESBRO: AYE.

7 BOARD SECRETARY: FRAZEE.

8 BOARD MEMBER FRAZEE: AYE.

9 BOARD SECRETARY: GOTCH.

10 BOARD MEMBER GOTCH: AYE.

11 BOARD SECRETARY: RELIS.

12 BOARD MEMBER RELIS: AYE.

13 BOARD SECRETARY: CHAIRMAN PENNINGTON.

14 CHAIRMAN PENNINGTON: AYE. MOTION CARRIES.

15 BOARD MEMBER RELIS: I JUST WANTED TO MAKE  
16 A CORRECTION IN MY REPORT ON THE POLICY MATTER. I  
17 THINK I TOUCHED ON ONLY ONE FACET. THE MAJOR  
18 DISCUSSION AT THE POLICY COMMITTEE WAS ON THE  
19 STATUS OF THE PUC, PUBLIC UTILITIES COMMISSION,  
20 DELIBERATIONS RELATED TO THE DEREGULATION OF  
21 ENERGY AND ITS IMPACTS ON OUR BIOMASS AND TIRE  
22 RELATED ACTIVITIES HERE AT THIS BOARD. SO I JUST  
23 WANTED TO MAKE SURE I GOT THAT RIGHT. THANK YOU.

24 CHAIRMAN PENNINGTON: OKAY. OUR FIRST  
25 AGENDA ITEM IS ITEM NO. 5, CONSIDERATION OF



1 APPROVAL OF THE 1996 MARKET DEVELOPMENT PLAN.

2 BILL HUSTON.

3 MS. TRGOVCICH: GOOD MORNING, MR. CHAIRMAN.

4 CAREN TRGOVCICH, DEPUTY DIRECTOR OF THE WASTE

5 PREVENTION AND MARKET DEVELOPMENT DIVISION.

6 THE ITEM BEFORE US THIS MORNING, AS

7 YOU STATED, IS CONSIDERATION OF THE 1996 MARKET

8 DEVELOPMENT PLAN. MIKE LEAON IS GOING TO PROVIDE

9 YOU WITH A BRIEF PRESENTATION ON THE SCOPE OF THE

10 PLAN, AS WELL AS AN IDENTIFICATION OF THE PRIORITY

11 MATERIALS AND PROGRAMS TARGETED IN THE PLAN.

12 I'M GOING TO CONCLUDE THE PRESENTATION

13 WITH SOME REMARKS AROUND THE DIRECTION OF THE

14 COMMITTEE AS IT RELATED TO THE OVERALL TARGETS FOR

15 THE MATERIALS, AS WELL AS HIGHLIGHTING FOR YOU

16 SOME OF THE COMMENTS THAT WE HAVE RECEIVED FROM

17 THE BOARD'S LOCAL GOVERNMENT TECHNICAL ADVISORY

18 COMMITTEE.

19 MR. LEAON: MORNING, MR. CHAIRMAN, BOARD

20 MEMBERS. IT APPEARS THAT OUR SYSTEM HERE IS NOT

21 QUITE OPERATIONAL, SO I'LL JUST HAVE TO PRESENT MY

22 SLIDES.

23 MR. CHANDLER: I THINK WE HAD A VIDEO THAT

24 WE THOUGH WAS GOING TO COME UP RIGHT FIRST. IT

25 HAS BEEN MOVED TO LATER ON IN THE AGENDA, SO SUSAN



1 WILL BRING IN THE BUSINESS SERVICES PEOPLE TO GET  
2 THAT SET UP FOR YOU. YOU'RE RIGHT, THE ROOM IS  
3 GOING TO HAVE TO BE -- WE'LL CHANGE THE SETUP FOR  
4 YOU. BUT GO AHEAD AND START YOUR PRESENTATION,  
5 AND WE'LL GET IT RECTIFIED.

6 MR. LEAON: OKAY. I'LL BE PROVIDING A  
7 BRIEF SYNOPSIS OF THE DEVELOPMENT OF THE 1996  
8 MARKET DEVELOPMENT PLAN. I'D LIKE TO BEGIN WITH A  
9 TALK ABOUT DIVERSION TONNAGE AND WHERE WE'RE AT  
10 NOW AND WHERE WE'RE HEADED.

11 BOARD STAFF DID DETERMINE THAT IN 1995  
12 THE 25-PERCENT DIVERSION MANDATE WAS ACHIEVED, AND  
13 THAT REPRESENTS A DIVERSION RATE OF 12 MILLION  
14 TONS, WHICH IS A SIGNIFICANT ACCOMPLISHMENT. HOW-  
15 EVER, TO GET TO THE 50-PERCENT RATE IN THE YEAR  
16 2000, WE ARE LOOKING AT MORE THAN DOUBLING THAT  
17 AMOUNT, AND WE ESTIMATE THAT WE'RE GOING TO NEED  
18 25 MILLION TONS OF MATERIAL DIVERTED IN THE YEAR  
19 2000 TO ACHIEVE THAT 50-PERCENT MANDATE.

20 THE 1996 MARKET DEVELOPMENT PLAN IDEN-  
21 TIFIES PRIORITY MATERIALS AND PROGRAMS. MATERIALS  
22 THAT ARE TARGETED ARE PAPER, COMPOSTABLES AND  
23 MULCHES, CONSTRUCTION DEMOLITION WASTE, PLASTICS,  
24 AND TIRES. THE PAPER, COMPOSTABLES, AND C AND D  
25 WASTE WERE TARGETED BECAUSE THEY REPRESENT A VERY



1 LARGE PERCENTAGE OF THE WASTE THAT IS GENERATED IN  
2 CALIFORNIA.

3 PLASTICS AND TIRES HAVE BEEN TARGETED  
4 AS A PRIORITY MATERIAL BECAUSE THEY REPRESENT  
5 UNIQUE COLLECTION AND HANDLING PROBLEMS AND  
6 ENVIRONMENTAL PROBLEMS. THERE ARE -- IN ADDITION  
7 TO THAT, THERE ARE BOARD MANDATED PROGRAMS FOR  
8 PLASTICS AND TIRES.

9 THERE WE GO. OKAY. I WAS JUST  
10 TALKING ABOUT THE TARGETED MATERIALS: THE PAPER,  
11 COMPOSTABLES, CONSTRUCTION DEMOLITION, PLASTIC,  
12 AND TIRES.

13 CONCERNING THE PROGRAMS THAT ARE  
14 TARGETED IN THE PLAN, THE BOARD IS PREPARING BUY  
15 RECYCLE PROGRAMS, INDUSTRIAL MARKET DEVELOPMENT  
16 PROGRAMS, IN WHICH WE'RE GOING TO BE PROMOTING THE  
17 USE OF RECYCLED FEEDSTOCK BY MANUFACTURERS, AND  
18 ALSO EXPORT. WE'LL CONTINUE TO LOOK FOR OPPOR-  
19 TUNITIES TO EXPORT MATERIALS TO FOREIGN MARKETS.

20 THE 1996 PLAN IDENTIFIES SEVERAL KEY  
21 STRATEGIES FOR GETTING TO THE 50-PERCENT MANDATE.  
22 THESE INCLUDE DEVELOPING PUBLIC/PRIVATE PARTNER-  
23 SHIPS FOR DEVELOPING THE RECYCLING INFRASTRUCTURE  
24 THAT WILL BE NEEDED, FOCUSING ON INCREASING  
25 COLLECTION AND PROCESSING EFFICIENCY TO KEEP COSTS



1 DOWN, DEVELOPING SELF-SUSTAINING BUSINESSES WHICH  
2 WILL NOT NEED GOVERNMENT SUPPORT TO CONTINUE IN  
3 OPERATION, DEVELOPING INDUSTRIAL MARKETS.

4 AGAIN, THIS IS FOCUSING ON USE OF  
5 RECYCLED FEEDSTOCK IN MANUFACTURING PROCESSES.  
6 CONTINUING WITH OUR BUY RECYCLE PROGRAMS TO  
7 PROMOTE THE PURCHASE OF RECYCLED CONTENT PRODUCTS.  
8 AND ALSO CONTINUE THE IMPLEMENTATION OF OUR  
9 MINIMUM CONTENT PROGRAMS CONCERNING TRASH BAGS AND  
10 RIGID PLASTIC PACKAGING CONTAINERS.

11 THAT BRINGS ME TO MY FINAL SLIDE, THE  
12 STATUS OF THE PLAN. THE PLAN BEFORE YOU TODAY  
13 REFLECTS PUBLIC COMMENTS RECEIVED AT TWO WORKSHOPS  
14 HELD LAST MAY AND JUNE AND ALSO REFLECTS CHANGES  
15 DIRECTED BY THE MARKET DEVELOPMENT COMMITTEE.

16 THE MARKET STATUS REPORTS WILL NO  
17 LONGER BE ATTACHMENTS TO THE PLAN. THEY WILL BE  
18 STANDALONE DOCUMENTS.

19 AND FINALLY, THE PLAN WAS ADOPTED BY  
20 THE COMMITTEE AT ITS AUGUST 8TH, 1996, MEETING.  
21 AND THAT CONCLUDES MY REMARKS, AND I'D BE HAPPY TO  
22 ANSWER ANY QUESTIONS YOU MIGHT HAVE.

23 CHAIRMAN PENNINGTON: ANY QUESTIONS?

24 MS. TRGOVCICH: I'D LIKE, MR. CHAIRMAN AND  
25 MEMBERS, TO TAKE AN OPPORTUNITY TO THEN TALK ABOUT



1 ONE OF THE SIGNIFICANT ITEMS THAT WAS RAISED IN  
2 THE COMMITTEE DISCUSSION IN THE PLAN.

3 THE REVISED DRAFT PLAN INCLUDES A  
4 DIRECTION FROM THE COMMITTEE TO REVISIT OR REEVAL-  
5 UATE THE GENERATION FIGURES THAT WERE USED AS  
6 TARGETS FOR THE PRIORITY MATERIALS. OVER THE PAST  
7 SEVERAL WEEKS, THE STAFF OF THE WASTE PREVENTION  
8 AND MARKET DEVELOPMENT DIVISION, DIVERSION  
9 PLANNING AND LOCAL ASSISTANCE DIVISION, AS WELL AS  
10 THE ADMINISTRATIVE SERVICES DIVISION HAVE BEGUN  
11 WORK IN A WORK GROUP TYPE OF A SETTING TO LOOK AT  
12 OUR ACCURACY AND ABILITY TO BE ABLE TO IDENTIFY  
13 TARGETS BASED UPON GENERATION FIGURES.

14 IT WAS THE JOINT RECOMMENDATION OF  
15 THAT STAFF WORK GROUP, THAT INSTEAD OF FOCUSING ON  
16 GENERATION FIGURES, THAT THE PLAN INSTEAD TARGET  
17 ITS EFFORTS OR FOCUS ITS EFFORTS ON DIVERSION  
18 TARGETS; THUS, THE REVISED DRAFT PLAN, AND THAT IS  
19 THE PRINCIPAL SIGNIFICANT REVISION FROM THE COM-  
20 MITTEE MEETING. THAT REVISED DRAFT PLAN CONTAINS  
21 DIVERSION TARGETS AS OPPOSED TO GENERATION  
22 TARGETS.

23 THAT RAISES AN ADDITIONAL QUESTION,  
24 AND THAT IS WHAT ARE THE NUMBERS THAT WE ARE GOING  
25 TO USE OR THE BASIS OF THE NUMBERS THAT WE WOULD



1 USE AS TARGETS IN THE PLAN. WE EVALUATED THE  
2 EXISTING INFORMATION THAT THE BOARD HAS RECEIVED  
3 OVER THE PAST SIX YEARS, INCLUDING THE 1990  
4 BASELINE INFORMATION, AS WELL AS MODIFICATIONS AND  
5 ADJUSTMENT EFFORTS THAT WE HAVE UNDER WAY RIGHT  
6 NOW, AND DETERMINED THAT AT LEAST ON AN INITIAL  
7 BASIS THAT THE CALIFORNIA DATA WOULD NEED TO  
8 CONTINUE TO BE WORKED AND ENHANCED IN ORDER TO  
9 BETTER TARGET DIVERSION LEVELS FOR THE PRIORITY  
10 MATERIALS.

11 THEREFORE, THE DRAFT MARKET DEVELOP-  
12 MENT PLAN THAT YOU HAVE BEFORE YOU INCLUDES  
13 DIVERSION TARGETS THAT WERE DERIVED FROM NATIONAL  
14 NUMBERS. THESE NUMBERS WERE THEN PRORATED TO  
15 REFLECT CALIFORNIA CONDITIONS. WE RECOGNIZE THAT,  
16 AS WELL, THAT THESE NUMBERS MAY NOT ACCURATELY  
17 REFLECT CALIFORNIA INFORMATION AS WELL.

18 AND SO WE WILL BE WORKING OVER THE  
19 NEXT SEVERAL MONTHS TO LOOK AT THE NATIONAL  
20 NUMBERS AND RESOLVE -- ATTEMPT TO ASSIST THE  
21 DIVERSION PLANNING AND LOCAL ASSISTANCE DIVISION  
22 IN THEIR EFFORTS TO RESOLVE DISCREPANCIES WITH THE  
23 CALIFORNIA NUMBERS TO BE ABLE TO COME BACK WITH  
24 MORE ACCURATE TARGETS, ESPECIALLY THAT RELATES TO  
25 THE COMPOSTABLES ITEMS.



1 WE RECOGNIZE THAT THAT NUMBER IN  
2 PARTICULAR MAY RAISE QUESTIONS IN THE MIND OF  
3 BOARD MEMBERS AND OTHER INTERESTED PARTIES.  
4 THAT'S WHY WE'RE IDENTIFYING THESE NUMBERS AS  
5 TARGETS ONLY, AND WE'RE COMMITTING TO REVISITING  
6 THOSE FIGURES AND DOING INITIAL WORK TO BRING BACK  
7 FOR FURTHER CONSIDERATION.

8 I'D LIKE TO JUST TAKE A MOMENT THEN AS  
9 WELL TO DISCUSS OUR NEXT STEPS. WHAT WE'RE ASKING  
10 THE BOARD TO DO HERE TODAY IS TO ADOPT THE 1996  
11 MARKET DEVELOPMENT PLAN. AS PART OF THAT ADOPTION  
12 AS WELL, WHAT WE'RE BRINGING FORWARD TO YOU OR  
13 HIGHLIGHTING FOR YOU ARE COMMENTS OF THE BOARD'S  
14 LOCAL GOVERNMENT TECHNICAL ADVISORY COMMITTEE.

15 WE JUST RECEIVED A FAX THIS MORNING  
16 HIGHLIGHTING SOME OF THE LOCAL GOVERNMENT TECH-  
17 NICAL ADVISORY COMMITTEE'S KEY COMMENTS ON THE  
18 PLAN ITSELF, AND I'LL FOCUS ON THAT IN A MINUTE.

19 ABOUT A WEEK AND A HALF, TWO WEEKS  
20 AGO, WE RECEIVED DRAFT COMMENTS THAT THE ADVISORY  
21 COMMITTEE HAD ON SPECIFIC ELEMENTS OF THE PLAN  
22 THAT THE STAFF HAD SOLICITED INPUT ON, AND I'D  
23 LIKE TO JUST BRIEFLY HIGHLIGHT THE ADVISORY COM-  
24 MITTEE'S RESPONSES IN THAT REGARD.

25 WE HAD ASKED QUESTIONS AROUND WHETHER





1 OR NOT THE BOARD SHOULD BE TARGETING SPECIFIC  
2 PRIORITY MATERIALS OR BE FOCUSING ON ALL MATERIALS  
3 IN GENERAL. AND LAGTAC SUPPORTED THE CONCEPT THAT  
4 IS INCLUDED IN THIS DRAFT OF THE 1996 MARKET  
5 DEVELOPMENT PLAN, THE TARGETING PRIORITY MATER-  
6 IALS.

7 LAGTAC SUPPORTED THE DEVELOPMENT OF  
8 PRODUCT STANDARDS. AND THE MARKET DEVELOPMENT  
9 PLAN THAT YOU HAVE BEFORE YOU CONTAINS STRATEGIES  
10 THAT WILL FOCUS IN THAT AREA. ADDITIONAL  
11 STRATEGIES HAVE BEEN ADDED IN THE AREA OF PAPER  
12 MATERIAL MARKET DEVELOPMENT IN ORDER TO ADDRESS  
13 THE LAGTAC COMMENTS.

14 LAGTAC ALSO MADE A POINT OF RECOG-  
15 NIZING THAT WE'RE CLOSE TO THE YEAR 2000 IN  
16 RELATIVE TERMS, AND SO THEY WANTED THE BOARD TO  
17 FOCUS ITS EFFORTS ON STRATEGIES THAT WOULD BE  
18 ACHIEVABLE AND RESULT IN DIVERSION BENEFIT PRIOR  
19 TO THE YEAR 2000 SO THAT WE WOULDN'T BE FOCUSING  
20 OUR EFFORTS ON STRATEGIES AND ACTIVITIES THAT  
21 WOULD TAKE FOUR TO FIVE YEARS TO REALIZE ANY  
22 RESULTS.

23 LAGTAC ALSO EMPHASIZED THAT WE SHOULD  
24 FOCUS OUR EFFORTS ON BOTH THE SUPPLY AS WELL AS  
25 THE DEMAND SIDE OF THE EQUATION, THAT THOSE TWO



1 KEY ACTIVITIES NEED TO WORK IN TANDEM OR TOGETHER  
2 TO BRING US -- TO BRING SUCCESS ABOUT. AND THE  
3 MARKET DEVELOPMENT PLAN RECOGNIZES THE COLLECTION,  
4 PROCESSING EFFORTS THAT NEED TO TAKE PLACE THROUGH  
5 THE DIVERSION PLANNING PROGRAM PROCESS, AS WELL AS  
6 THE MARKET DEVELOPMENT EFFORTS THAT NEED TO TAKE  
7 PLACE ON THE DEMAND SIDE IN TERMS OF BUSINESS  
8 ASSISTANCE, RESEARCH AND DEVELOPMENT, AND OTHER  
9 ACTIVITIES.

10 LAGTAC ALSO IDENTIFIED WASTE PRE-  
11 VENTION AS A KEY COMPONENT. THE BOARD AND BOARD  
12 STAFF RECOGNIZE THAT THIS IS A KEY ELEMENT AND,  
13 THUS, THE BOARD HAS ADOPTED A WASTE PREVENTION  
14 PLAN. SO OUR RESPONSE IN THIS REGARD IS THAT WE  
15 ARE INTEGRATING THE STRATEGIES OF THE WASTE  
16 PREVENTION PLAN AS -- NOT AS AN ELEMENT OF THE  
17 MARKET DEVELOPMENT PLAN, BUT AS AN ELEMENT OF  
18 STAFF ACTIVITIES IN CARRYING OUT THE DIRECTION OF  
19 THE BOARD THROUGH BOTH OF THESE PLANNING PRO-  
20 CESSSES.

21 FINALLY, LAGTAC RAISED THE QUESTION OF  
22 IMPLEMENTATION, THAT THE PLAN ITSELF NEEDS TO  
23 FOCUS ON IMPLEMENTATION AND MOVE BEYOND THE  
24 PLANNING PROCESS. AND WE ARE IN THE PROCESS RIGHT  
25 NOW OF DEVELOPING IMPLEMENTATION STRATEGIES FOR



1 THE VARIOUS ACTIVITIES CONTAINED IN THE PLAN.

2 THE PRINCIPAL AREA CONTAINED IN  
3 LAGTAC'S COMMENTS THAT WE RECEIVED THIS MORNING,  
4 THAT I WOULD JUST LIKE TO MAKE NOTE OF, THAT ARE  
5 IN ADDITION POTENTIALLY TO THOSE RECEIVED A WEEK  
6 AND A HALF AGO OR TWO WEEKS AGO, FOCUS ON THE  
7 MINIMUM CONTENT PROGRAMS.

8 WE -- THE MARKET DEVELOPMENT PLAN  
9 SUPPORTS THE EXISTING MINIMUM CONTENT PROGRAMS,  
10 BUT DOES NOT PROPOSE ANY ENHANCEMENTS OR ADDITIONS  
11 TO THE STATUTORY PROGRAMS THAT WE HAVE CURRENTLY  
12 IN PLACE. SO THAT'S THE ONE COMMENT THAT I WOULD  
13 JUST LIKE TO RAISE IN THAT REGARD.

14 BOARD MEMBER CHESBRO: THAT'S A FACTUAL  
15 COMMENT ON YOUR PART, BUT WHAT DID THEY SAY BY WAY  
16 OF INPUT ABOUT - -

17 MS. TRGOVCICH: THEIR INPUT HERE -- LET ME  
18 GET TO THE SPECIFIC POINT -- IS THAT THEY ARE  
19 PROPOSING TO STRENGTHEN AND ENHANCE EXISTING  
20 PROGRAMS, AND THEY IDENTIFY THREE OF THEM. THE  
21 ONE THAT I'M POINTING OUT IS ADVOCATING ADDITIONAL  
22 BUY RECYCLE PROGRAMS, WHICH WE ARE DOING, AND  
23 MINIMUM CONTENT LEGISLATION, WHICH IS NOT INCLUDED  
24 IN THE PLAN.

25 CHAIRMAN PENNINGTON: OKAY.



1 MS. TRGOVCICH: AS NEXT STEPS, AS I STATED,  
2 WE'RE SEEKING APPROVAL IN ADOPTING THIS 1996  
3 MARKET DEVELOPMENT PLAN, THAT WE WILL BE AS WELL,  
4 AT THE DIRECTION OF THE COMMITTEE, IDENTIFYING A  
5 METHODOLOGY FOR QUANTIFYING RESULTS, WHAT WE REFER  
6 TO AS EVALUATION CRITERIA: HOW EFFECTIVE ARE WE  
7 AT IMPLEMENTING THE STRATEGIES CONTAINED IN THE  
8 PLAN. AND WE'LL BE COMING BACK BEFORE THE  
9 COMMITTEE TO ASSESS OUR PROGRESS IN THAT AREA.

10 WE WILL BE SETTING UP A SCHEDULE FOR  
11 UPDATING THE BOARD ON OVERALL PROGRESS IN IMPLE-  
12 MENTING THE PLAN, AND WE WILL BE COMING BACK  
13 BEFORE YOU AT A FUTURE DATE TO SET UP A SCHEDULE  
14 FOR ANNUAL REVIEW OF THE PLAN AND CHANGES THAT MAY  
15 NEED TO BE MADE IN RESPONSE TO EVALUATION OF OUR  
16 PROGRESS IN IMPLEMENTING THE STRATEGIES.

17 THAT CONCLUDES MY PRESENTATION. I'D  
18 BE HAPPY TO ANSWER ANY QUESTIONS.

19 CHAIRMAN PENNINGTON: QUESTIONS, MR. RELIS.

20 BOARD MEMBER CHESBRO: MY REACTION TO  
21 LGTAC'S INPUT WAS BASED ON THE PREVIOUS, I GUESS,  
22 PRELIMINARY COMMENTS THAT THEY HAD SUBMITTED AND  
23 HAVEN'T HAD A CHANCE TO LOOK AT MAYBE A MORE  
24 REFINED DOCUMENT. I'M NOT CERTAIN.

25 JUST IN PASSING, LET ME SAY THERE IS



1 A -- THERE WAS A FRUSTRATION THAT HAS BEEN  
2 EXPRESSED BY SOME MEMBERS OF LGTAC ABOUT THE FACT  
3 THAT WE SOMEHOW OR OTHER FIGURE OUT A SMOOTH WAY  
4 FOR THEM TO GET IN IN A TIMELY FASHION. THEY DID  
5 MAKE A GREATER EFFORT THIS TIME THAN IN THE PAST  
6 TO DO WHAT WE HAD TALKED ABOUT WITH THEM AT THE  
7 JOINT MEETING TO GET US THE INPUT ON SPECIFIC  
8 IMPLEMENTATION PLANNING, WHICH IS WHAT THIS  
9 DOCUMENT IS.

10 SO I THINK IT'S IMPORTANT FOR US TO  
11 NOTE THEIR EFFORT AND MAKE SURE THAT WE ACKNOW-  
12 LEDGE THAT THEY'VE, EVEN THOUGH WE'RE HEARING THIS  
13 STUFF VERY LATE IN THE PROCESS, WE'RE ABOUT TO  
14 ADOPT THIS DOCUMENT, I PRESUME.

15 I WANTED TO COMMENT ON SOME OF THE  
16 THINGS THAT WERE IN THEIR PRELIMINARY DOCUMENT AND  
17 MAYBE MAKE SOME ADDITIONAL SUGGESTIONS.

18 ONE WAS, AS MS. TRGOVCICH HAS INDI-  
19 CATED, THERE'S -- THEY TALKED ABOUT THE IMPLE-  
20 MENTATION STEPS. AND I WAS PERSONALLY VERY  
21 PLEASED WITH THE -- THE LOAN MARKETING STRATEGY  
22 THAT WAS BROUGHT FORWARD -- ACTION PLAN THAT WAS  
23 BROUGHT FORWARD BY STAFF. AND I THINK IT WOULD BE  
24 HELPFUL, AND I'M HOPING -- OF COURSE, THIS IS JUST  
25 A THOUGHT. I HAVEN'T HAD A CHANCE TO TALK TO ANY



1 OF YOU ABOUT IT. WE DIDN'T TALK IT ABOUT IT IN  
2 COMMITTEE. BUT IT SEEMS TO ME IT MIGHT BE USEFUL  
3 FOR THE COMMITTEE MEMBERS, IN ORDER TO GET AS  
4 ENGAGED IN THIS AS POSSIBLE, FOR US TO HEAR SOME  
5 SORT OF A SPECIFIC IMPLEMENTATION STRATEGY THAT  
6 HIGHLIGHTS THE THINGS THAT CAREN HAS INDICATED  
7 THAT THEY INTEND TO DO RELATIVE TO QUANTIFICATION  
8 AND FEEDBACK ON THE EFFECTIVENESS OF THE PROGRAMS,  
9 TIME LINES, SPECIFIC TASK ASSIGNMENT IN TERMS OF  
10 WHO'S GOING TO DO WHAT, THOSE KINDS OF THINGS.  
11 DOESN'T HAVE TO BE A FULL-BLOWN -- WOULDN'T HAVE  
12 TO BE A FULL-BLOWN MAJOR DOCUMENT.

13 I THINK SIMPLY SOMETHING FOR THE  
14 COMMITTEE TO REVIEW AND GIVE A NOD TO WOULD BE  
15 HELPFUL AND GIVE US A SENSE ABOUT THE CONCRETE  
16 STEPS THAT ARE GOING TO BE TAKEN TO IMPLEMENT THE  
17 PLAN. SO I WOULD SUPPORT, IF THERE'S NOT OBJEC-  
18 TION, INCLUDING IN OUR MOTION SOME DIRECTION TO  
19 STAFF IN THAT REGARD.

20 COUPLE OF SPECIFIC THINGS THAT CAME TO  
21 MIND IN READING THEIR COMMENTS. ONE WAS -- AND  
22 MAYBE YOU'VE ALREADY ANSWERED AND THAT'S WHY YOU  
23 DIDN'T BRING THEM UP AND WHY THEY AREN'T IN THE  
24 FINAL DOCUMENT, BUT THEY MENTIONED WHAT MAY BE AN  
25 OVERSIGHT OF NOT HAVING TARGETED GOVERNMENT



1 AGENCIES FOR PROCUREMENT OF COMPOST. IS THAT --  
2 THAT WAS IN THEIR PRELIMINARY COMMENTS THEY HAD  
3 SUBMITTED.

4 MS. TRGOVCICH: WE REVISED THE PLAN TO  
5 REFLECT THAT COMMENT.

6 BOARD MEMBER CHESBRO: THE ONE OTHER THING  
7 THAT COMES TO MIND THAT I KNOW WE ALREADY DO THIS,  
8 BUT IN RELATION TO THEY'RE TALKING ABOUT INTE-  
9 GRATING THE WASTE PREVENTION ACTIVITIES WITH THE  
10 MARKETS, ONE OF THE THINGS WE'VE BEEN DOING IN THE  
11 LOAN PROGRAM IS TO MAKE SURE THAT WE USE BUSI-  
12 NESSES THAT ARE GIVEN PRIORITY PER THE HIERARCHY.

13 AND SO WE MIGHT WANT TO, IF IT ISN'T  
14 ALREADY REFLECTED SOMEWHERE IN THE PLAN, MAKE SURE  
15 THAT THAT IS ALSO GIVEN SOME SPECIFIC FOCUS. THAT  
16 WAS THE ONE REACTION I HAD IN READING THEIR  
17 COMMENTS. I WAS TRYING TO THINK WHAT'S THE  
18 RELATIONSHIP -- WHERE DOES THE WASTE PREVENTION  
19 SPECIFICALLY OVERLAP OR HIT MARKET DEVELOPMENT.  
20 AND IT SEEMS TO ME IN THE AREA OF REUSE BUSINESS.  
21 THAT'S A VERY SPECIFIC AREA WHERE IT DOES. AND SO  
22 I WOULD HOPE THAT WE COULD INCLUDE SOMETHING THAT  
23 WOULD EMPHASIZE THAT AS A PRIORITY.

24 OTHER THAN THAT, I WOULD JUST SAY  
25 LET'S FIND SOME WAY TO PROVIDE SOME ENCOURAGEMENT



1 TO THE LGTAC BECAUSE THIS IS WHAT WE'RE ENCOURAG-  
2 ING THEM TO DO, AND I THINK WE NEED TO BE RESPON-  
3 SIVE WHEN THEY FOCUS THEIR EFFORTS ON OUR SPECIFIC  
4 RESPONSIBILITIES AND HOW TO MAKE THIS WORK BETTER.

5 CHAIRMAN PENNINGTON: I CERTAINLY AGREE  
6 WITH THAT. MRS. GOTCH, ANY QUESTIONS?

7 BOARD MEMBER GOTCH: NO, NO QUESTIONS. I  
8 HAVE A RELATED COMMENT TO MAKE. AND THAT IS THAT  
9 IN MY BRIEFING WITH MARKET STAFF YESTERDAY, WE  
10 DISCUSSED THAT THE GOVERNOR HAD SIGNED AB 1572 BY  
11 MONTEITH, WHICH APPOINTS THE SECRETARY OF FOOD AND  
12 AG AS A NONVOTING MEMBER TO THE WORLD TRADE  
13 COMMISSION.

14 OVERSEAS MARKET DEVELOPMENT IS  
15 OBVIOUSLY CRITICAL FOR RECYCLABLES. AND I DON'T  
16 KNOW MUCH ABOUT THE WORLD TRADE COMMISSION EXCEPT  
17 THAT IT PROMOTES AND DEVELOPS INTERNATIONAL TRADE  
18 FOR CALIFORNIA. I'D LIKE TO DIRECT STAFF TO GET  
19 BACK TO MY OFFICE AND THE MARKET COMMITTEE ON HOW  
20 THE BOARD COULD ELEVATE RECYCLABLE PRODUCTS INTO  
21 THE HIERARCHY OF PRODUCTION/PROMOTION FOR THE  
22 COMMISSION AND/OR ANY OTHER IDEAS THAT WE MIGHT  
23 INTERFACE WITH THEM TO DEVELOP OVERSEAS MARKETS  
24 FOR RECYCLABLES.

25 BOARD MEMBER RELIS: MR. CHAIR, I'D JUST





1     LIKE TO MAKE A FEW COMMENTS. FIRST, I'D LIKE TO  
2     THANK STAFF FOR, I THINK, PREPARING AN EXCELLENT  
3     PIECE OF WORK. IT'S A BIG CHALLENGE TO LOOK AT  
4     FIGURES BETWEEN 11 AND 19 MILLION TONS THAT WE  
5     HAVE A -- ROUGHLY A FOUR-YEAR TIME LINE TO  
6     RECOVER. AND I THINK STAFF DID A GOOD JOB OF  
7     PINPOINTING THE AREAS WE CAN WORK IN.

8             I APPRECIATE YOUR COMMENTS, MS. GOTCH,  
9     ON THE NEED TO LOOK AT EXPORT POTENTIAL. AND AS  
10    YOU KNOW, WE HAVE BEEN DOING SOME OF THIS VIS-A-  
11    VIS PRC IN CHINA AND -- BUT I DO BELIEVE THAT THE  
12    EXPORT AREA, PARTICULARLY AS IT RELATES TO PAPER  
13    AND SOME OF THE PLASTIC GRADES, IS GOING TO BE  
14    CRITICAL IF WE'RE GOING TO SUCCEED WITH -- DEALING  
15    WITH THE NUMBERS THAT WE HAVE BEFORE US.

16            I AGREE WITH MR. CHESBRO THAT WE NEED  
17    A REPORTING SYSTEM, I THINK, REGULARLY IN COM-  
18    MITTEE THAT WOULD TRACK OUR PROGRESS. AND TO THIS  
19    END I'VE SAID A FEW TIMES THAT I THINK EVEN THE  
20    CULTURE OF THE WHOLE BOARD, THE ORGANIZATION NEEDS  
21    TO NOW ORIENT TOWARDS THIS MASSIVE FOUR-YEAR  
22    UNDERTAKING, WHICH IS VERY NUMBERS DRIVEN. AND SO  
23    WHETHER IT'S COMPOST, WHETHER IT'S PAPER, WHETHER  
24    IT'S PLASTICS, STEEL, WE NEED TO VISUALIZE OUR  
25    GOALS AND REGULARLY BE UPDATED ON OUR PROGRESS.



1 I DO BELIEVE WE'RE GOING TO HAVE TO  
2 LOOK TO MORE PARTNERSHIP WORK WITH LOCAL GOVERN-  
3 MENT, AND THE LAGTAC GROUP IS PROBABLY OUR MEANS  
4 OF DOING THIS SO THAT WE COULD PERHAPS DO MORE  
5 THINGS LIKE WE'RE DOING ON THIS COMPOST DEMON-  
6 STRATION WITH THREE CITIES. MAYBE WE'LL FIND WAYS  
7 TO BE ABLE TO WORK MORE EFFECTIVELY WITH THE  
8 CITIES AND COUNTIES SPECIFICALLY WHERE THEY HAVE  
9 SOMETHING TO OFFER ON A SPECIFIC COMMODITY THAT WE  
10 CAN PARTNER UP THERE.

11 SO I DO BELIEVE LAGTAC HAS COME  
12 THROUGH FOR US AND GIVEN US SPECIFIC RECOMMEN-  
13 DATIONS. AND I APPRECIATE, CAREN, YOUR GOING  
14 THROUGH THOSE POINT BY POINT. THAT CONCLUDES ALL  
15 I HAD TO SAY. AND DO WE HAVE ANYONE SPEAKING ON  
16 THIS? I'M PREPARED TO MAKE A MOTION.

17 CHAIRMAN PENNINGTON: NO, THERE'S NOT.  
18 OKAY. FINE.

19 BOARD MEMBER RELIS: I WOULD MOVE, THEN,  
20 THAT WE ADOPT RESOLUTION 96-356, WHICH IS ADOPTION  
21 OF THE 1996 MARKET DEVELOPMENT PLAN WITH THE  
22 PROVISIO MR. CHESBRO SUGGESTED, THAT WE RECEIVE  
23 UPDATES IN COMMITTEE ON SPECIFICS. DID I GET THAT  
24 RIGHT?

25 BOARD MEMBER CHESBRO: WELL, I WOULD



1 SUGGEST THAT THEY REPORT IN THE FUTURE WITH AN  
2 AGENDA ITEM ON DEVELOPING A SPECIFIC IMPLEMEN-  
3 TATION STRATEGY. THEN WE CAN DISCUSS THE  
4 SPECIFICS AT THE COMMITTEE LEVEL. AND I WOULD  
5 PRESUME THAT ALSO THAT GENERAL COMMENTS THAT  
6 WERE -- ABOUT WASTE EXPORT THAT WERE MADE BY MS.  
7 GOTCH BY WAY OF DIRECTION TO STAFF, THAT WOULD BE  
8 INCORPORATED TOO. I'LL SECOND THE MOTION.

9 CHAIRMAN PENNINGTON: OKAY. ANY FURTHER  
10 DISCUSSION? IF NOT, WILL THE SECRETARY CALL THE  
11 ROLL.

12 BOARD SECRETARY: BOARD MEMBER CHESBRO.

13 BOARD MEMBER CHESBRO: AYE.

14 BOARD SECRETARY: FRAZEE.

15 BOARD MEMBER FRAZEE: AYE.

16 BOARD SECRETARY: GOTCH.

17 BOARD MEMBER GOTCH: AYE.

18 BOARD SECRETARY: RELIS.

19 BOARD MEMBER RELIS: AYE.

20 BOARD SECRETARY: CHAIRMAN PENNINGTON.

21 CHAIRMAN PENNINGTON: AYE. MOTION CARRIES.

22 BOARD MEMBER CHESBRO: CAN I ASK, MR.  
23 CHAIRMAN, THAT A RESPONSE GO TO LGTAC THANKING  
24 THEM FOR THEIR INPUT BE PREPARED FOR THE  
25 CHAIRMAN'S SIGNATURE.



1 CHAIRMAN PENNINGTON: SURE.

2 BOARD MEMBER CHESBRO: I DON'T KNOW THAT WE  
3 NEED A MOTION ON THAT.

4 BOARD MEMBER RELIS: AND I BELIEVE THAT  
5 RESPONSE IS IN PROGRESS, AND IT WILL INCLUDE  
6 DETAILED POINT BY POINT.

7 MS. TRGOVCICH: IT INCLUDES A DETAILED  
8 POINT BY POINT. WE'RE GOING TO NEED TO REVISE  
9 THAT TO REFLECT THE COMMENT LETTER THAT WE  
10 RECEIVED THIS MORNING, BUT IT WILL FOLLOW THE  
11 LINES OF THE RESPONSE THAT I JUST STATED FOR THE  
12 RECORD HERE.

13 CHAIRMAN PENNINGTON: OKAY. THANK YOU.

14 OKAY. ITEM NO. 6, WHICH IS THE  
15 CONSIDERATION OF AN APPOINTMENT OF A MEMBER TO THE  
16 LOAN COMMITTEE FOR THE RECYCLING MARKET DEVELOP-  
17 MENT LOAN ZONE PROGRAM. CANDIDATE THAT HAD BEEN  
18 RECOMMENDED OR WAS BEING RECOMMENDED HAS PULLED  
19 OUT, AND MRS. GOTCH APPARENTLY WANTS TO DISCUSS  
20 THIS.

21 BOARD MEMBER GOTCH: THANK YOU, MR.  
22 CHAIRMAN. WHILE I UNDERSTAND THE REASON THAT THIS  
23 ITEM SHOULD BE PULLED, SINCE WE DON'T HAVE THE  
24 PERSON, IT'S NOT NECESSARY TO VOTE ON THIS, BUT I  
25 WOULD LIKE TO ASK STAFF TO CALENDAR AN ITEM ON THE



1 SELECTION PROCESS WHEN THE BOARD NEEDS TO RECOM-  
2 MEND OR APPOINT AN OUTSIDE -- OUTSIDE FOLKS TO  
3 VARIOUS BOARD COMMITTEES.

4 I'D LIKE US TO DISCUSS A FORMAL  
5 PROCESS TO MAKE THESE APPOINTMENTS IN, I'D LIKE,  
6 OUR NEXT POLICY COMMITTEE IN SEPTEMBER IF THAT'S  
7 POSSIBLE. NO. OKAY. OCTOBER.

8 AND BASICALLY IT'S MY UNDERSTANDING  
9 THAT WE HAVE SOME CONCERNS ON ACHIEVING A QUORUM  
10 FOR THIS PARTICULAR COMMITTEE, AS WELL AS TRYING  
11 TO INTERACT WITH THE LARGE BANKS IN CALIFORNIA.  
12 AND BECAUSE THE CRITERIA ASSOCIATED WITH THE  
13 COMMITTEE IS IN REGULATION, I'M WONDERING WHAT THE  
14 PROCESS IS TO MAKE A COUPLE OF CHANGES, SUCH AS  
15 ADDING MORE MEMBERS TO THE LENDING COMMITTEE AND  
16 MORE GEOGRAPHIC REPRESENTATION. BASICALLY THAT'S  
17 IT, TO JUST DEVELOP A SELECTION PROCESS.

18 MR. CHANDLER: MR. CHAIRMAN, I THINK THOSE  
19 COMMENTS NEED TO BE DIRECTED TO YOUR COLLEAGUES,  
20 JANET'S COLLEAGUES, MS. GOTCH'S COLLEAGUES. AS  
21 YOU KNOW, WE HAVE AN INFORMAL PROCESS. CERTAINLY  
22 WE CAN RESPOND, BUT I MEAN IF IT'S THE WILL OF THE  
23 BOARD FOR US TO CHANGE THE PROCESS WE'VE USED,  
24 THEN WE CERTAINLY ARE GOING TO BE RESPONSIVE TO  
25 THAT. YOU'VE HEARD HER REQUEST. SHE WANTS TO PUT



1 IN WRITING THE PROCESS AND OUTLINE THAT FOR US,  
2 AND THAT'S CLEAR DIRECTION.

3 CHAIRMAN PENNINGTON: AND I THINK YOU'RE  
4 RIGHT, AND I THINK THAT, YOU KNOW, IF YOU HAVE  
5 SOME IDEAS AND PROCEDURE THAT WE SHOULD FOLLOW ON  
6 RATHER THAN WHAT WE'RE DOING RIGHT NOW, I THINK  
7 YOU SHOULD MAYBE PREPARE AN ITEM FOR US.

8 BOARD MEMBER GOTCH: I ALSO HAVE SOME  
9 QUESTIONS ABOUT THE ACTUAL POLICY OR THE PROCESS  
10 OF THIS THAT I'D LIKE TO HAVE ANSWERED. PERHAPS  
11 SOME OF THE OTHER BOARD MEMBERS HAVE COMMENTS.

12 BOARD MEMBER RELIS: WELL, IF THERE'S A  
13 CONCERN. IF WE WANT TO DEAL WITH THIS, WE CAN  
14 TAKE IT UP IN MARKET COMMITTEE AND DEAL WITH AN  
15 APPROACH. IF YOU HAVE SPECIFIC IDEAS AND WANT TO  
16 PUT THEM FORWARD, WE COULD DO THAT.

17 I THINK WE NEED TO BEAR IN MIND TWO  
18 THINGS. ONE IS WE ARE -- WE HAVE A PROBLEM WITH  
19 QUORUM, SO WE NEED TO ASSURE THAT WE HAVE REDUN-  
20 DANCY OR ENOUGH BACKUP THAT WE DO NOT FALL OUT OF  
21 A QUORUM SITUATION BECAUSE THAT'S CRITICAL TO THE  
22 PROGRAM.

23 AND PERHAPS AT THE SAME TIME, SINCE  
24 THIS HAS BEEN A SUBJECT OF ONGOING CONCERN, THAT  
25 WE DEAL ONCE AND FOR ALL WITH THE FREQUENCY OF



1 MEETINGS AS WELL BECAUSE WE NEED TO SPEED UP THE  
2 TURNAROUND OF THE LOANS. AND I KNOW THAT'S COME  
3 UP. THAT'S BEEN A RECOMMENDATION. AND MAYBE WE  
4 COULD TAKE UP BOTH ITEMS AT ONCE AND DEAL WITH IT.

5 BUT IN THE MEANTIME, WE STILL HAVE A  
6 QUORUM ISSUE, DON'T WE, IF WE DON'T FILL THIS  
7 POSITION?

8 MS. TRGOVCICH: NOT FILLING THIS POSITION  
9 DOESN'T CREATE A QUORUM ISSUE PER SE; HOWEVER, IT  
10 REDUCES THE OVERALL MEMBERSHIP. IF ANY OTHER  
11 MEMBER CHOOSES NOT, FOR ONE REASON OR ANOTHER, TO  
12 ATTEND THE MEETING, IT'S ONE LESS OPPORTUNITY TO  
13 ACHIEVE A QUORUM. FOR EXAMPLE, IF THERE ARE -- OF  
14 THE SEVEN MEMBERS OF THE COMMITTEE, FOUR IS A  
15 QUORUM, SO THE FEWER MEMBERS THAT YOU HAVE  
16 AVAILABLE, THE LESS OPPORTUNITY EXISTS THAT YOU  
17 CAN ACHIEVE THAT QUORUM. SO...

18 MR. CHANDLER: WE HAVE SIX MEMBERS  
19 CURRENTLY WITH ONE VACANCY, SO WE COULD ACHIEVE A  
20 QUORUM OBVIOUSLY. BUT IF WE HAVE A SITUATION  
21 THAT'S JUST ARISEN RECENTLY WHERE INDIVIDUALS ARE  
22 NOW INDICATING THEY CAN'T MAKE THE MEETING AND  
23 WE'LL BE WITHOUT A QUORUM.

24 BOARD MEMBER RELIS: CLOSEST --

25 CHAIRMAN PENNINGTON: IS THE QUORUM LIKE US



1 IN STATUTE, THAT IT HAS TO BE A QUORUM? IT CAN'T  
2 BE A QUORUM OF THOSE PRESENT?

3 MS. TRGOVCICH: I'LL ASK THAT QUESTION OF  
4 STAFF, AND PERHAPS WE CAN BRING THIS BACK IN THE  
5 ITEM AROUND WHETHER OR NOT IT IS A REGULATORY  
6 QUESTION OR A STATUTORY QUESTION.

7 BOARD MEMBER CHESBRO: I THINK MS. GOTCH'S  
8 REQUEST WOULD GIVE A PROCESS FOR HAVING THESE  
9 QUESTIONS LOOKED AT. I DON'T KNOW THAT WE NEED TO  
10 HAVE A COMPLETE DISCUSSION AT THE BOARD LEVEL  
11 TODAY, BUT I DO THINK THAT IT WOULD BE GOOD FOR US  
12 TO ADDRESS SOME OF THESE QUESTIONS.

13 MR. CHANDLER: WHICH COMMITTEE WOULD YOU  
14 LIKE US TO BRING THIS ITEM TO?

15 CHAIRMAN PENNINGTON: MARKET DEVELOPMENT  
16 COMMITTEE. THAT'S WHERE IT BELONGS.

17 MS. TRGOVCICH: JUST TO CLARIFY, THIS WILL  
18 BE AN ITEM THAT HAS TWO PARTS. ONE IS THE PROCESS  
19 FOR IDENTIFYING THE INDIVIDUALS TO FILL THE VACAN-  
20 CIES, AND THE SECOND PART IS ON THE COMPOSITION  
21 AND MEMBERSHIP OF THE COMMITTEE ITSELF. AND WE'LL  
22 RAISE THE ISSUES AROUND THE STATUTORY AND REGULA-  
23 TORY QUESTIONS AT THAT TIME.

24 BOARD MEMBER RELIS: COULD I ASK JUST ON  
25 THIS MATTER, GIVEN THE CRITICAL NATURE OF THE





1 QUORUM, AND GIVEN THE FACT THAT, WHAT, THIS  
2 WOULDN'T COME UP TILL THE OCTOBER MEETING, I STILL  
3 THINK WE SHOULD SEEK AND RECRUIT A REPLACEMENT  
4 INDEPENDENT RIGHT NOW OF THE PROCESS CONSIDER-  
5 ATION. IN OTHER WORDS, STATUS QUO UNTIL WE FIGURE  
6 OUT HOW WE WANT TO APPROACH A METHOD OR A SYSTEM  
7 FOR DOING THAT BECAUSE I'M CONCERNED ABOUT QUORUM.

8 MS. TRGOVCICH: THE INFORMAL STAFF PROCESS  
9 HAS BEEN TYPICALLY WE FIRST ASK THE MEMBER  
10 VACATING THE POSITION IF THEY HAVE ANY RECOM-  
11 MENDATIONS. WE IDENTIFY THAT PARTICULAR COMMUNITY  
12 THAT THE MEMBER IS TO REPRESENT AND MAKE SEVERAL  
13 CONTACTS. AND SO THE REPRESENTATIVE COMES FORWARD  
14 AS A STAFF RECOMMENDATION.

15 IN THIS PARTICULAR CASE, WHERE THIS  
16 INDIVIDUAL THAT PULLED OUT AND, YOU KNOW,  
17 REQUESTED NOT TO BE CONSIDERED AT THE LAST MINUTE,  
18 WE HAD A CONTACT WITHIN THE LENDING COMMUNITY THAT  
19 WE PURSUED, A MEMBER, YOU KNOW, THE BOARD WAS  
20 FAMILIAR WITH AND PURSUED. SO IT IS AN INFORMAL  
21 PROCESS, SO WE WOULD PROCEED WITH THAT INFORMAL  
22 PROCESS, CONTACT, ONCE AGAIN, THE MEMBERS VACATING  
23 THE POSITION, CONTACT EACH OF YOUR OFFICES IN THE  
24 EVENT THAT YOU HAVE IDENTIFIED OR TARGETED CERTAIN  
25 INDIVIDUALS THAT YOU FEEL WOULD BE VIABLE CANDI-



1 DATES TO FILL THIS SPECIFIC VACANCY REPRESENTING  
2 THE LENDING COMMUNITY, AND WE WOULD PROCEED TO  
3 BRING BACK A NAME OF A CANDIDATE AT THE NEXT  
4 MEETING.

5 CHAIRMAN PENNINGTON: IS THAT -- IS THAT  
6 WHAT YOUR CONCERN IS IS HOW THAT PROCESS IS  
7 HANDLED? I'M NOT SURE I UNDERSTAND WHAT IT IS  
8 WHEN YOU SAY PROCESS THAT YOU'RE CONCERNED ABOUT.

9 BOARD MEMBER GOTCH: I THINK ACTUALLY JUST  
10 TO FOLLOW THE PROCESS THAT YOU GO THROUGH WITH  
11 THIS NEXT MEMBER THAT MR. RELIS IS REQUESTING WILL  
12 HELP ALL OF US HAVE A BETTER UNDERSTANDING OF WHAT  
13 THE PROCESS IS, BUT THOSE ARE SOME OF THE  
14 QUESTIONS I'D LIKE ADDRESSED IN THAT MEETING, BUT  
15 THAT'S FINE.

16 MS. TRGOVCICH: SO WE'LL PROCEED AS WELL IN  
17 THE INTERIM TO IDENTIFY A CANDIDATE TO FILL THE  
18 VACANCY ON THE COMMITTEE AND BRING IT BACK AT AS  
19 SOON AS POSSIBLE DATE.

20 BOARD MEMBER CHESBRO: NOT TO BELABOR IT,  
21 BUT ONE RELATED QUESTION THAT I THINK WE'VE LOOKED  
22 AT BEFORE, BUT STAFF MIGHT LOOK AT AND REPORT TO  
23 THE COMMITTEE ON IS THE ALTERNATIVE METHODS OF  
24 REACHING A QUORUM, WHETHER IT'S POSSIBLE FOR  
25 PEOPLE TO PARTICIPATE IN SOME OTHER FASHION. I



1 DON'T NEED AN ANSWER NOW, BUT JUST SOMETHING ELSE  
2 TO LOOK AT.

3 MS. TRGOVCICH: IS THAT THE DESIGNATION OF  
4 AN ALTERNATE, THAT TYPE OF A SUGGESTION?

5 MS. TOBIAS: TALKING ABOUT TELECONFERENC-  
6 ING.

7 MS. TRGOVCICH: WE DO ATTEMPT TO IDENTIFY  
8 TELECONFERENCING OPPORTUNITIES. FOR EXAMPLE, THE  
9 RECENT SITUATION THAT AROSE AROUND THE LOAN  
10 COMMITTEE MEETING, WHEN IT APPEARED AS IF WE MAY  
11 NOT HAVE A QUORUM, WE TRIED TO SET IT UP AS A  
12 TELECONFERENCE.

13 BOARD MEMBER CHESBRO: BUT I MEAN THERE'D  
14 BE A -- YOU'RE RIGHT, KATHRYN, THAT WAS WHAT I WAS  
15 TALKING ABOUT, BUT IT COULD INCLUDE AN ALTERNATE  
16 SYSTEM OR ANY OTHER VEHICLES THAT COULD ASSIST US  
17 IN TRYING TO ADDRESS THE PROBLEM OF BUSY PEOPLE  
18 THAT WE CAN'T ALWAYS GET TOGETHER FOR A MEETING.  
19 JUST WANTED TO MENTION THAT. DOESN'T REQUIRE ANY  
20 FURTHER ACTION.

21 CHAIRMAN PENNINGTON: NO. I AGREE WITH  
22 YOU. I THINK THAT WE NEED TO LOOK AT THE FUNCTION  
23 OF THE COMMITTEE AND HOW IT OPERATES AND WHETHER  
24 OR NOT THERE ARE SOME ALTERNATIVES TO US BECAUSE  
25 IT'S TRUE THAT THIS QUARTERLY THING, YOU KNOW,



1 SOMEBODY NEEDS A LOAN, TO WAIT SIX MONTHS TO GET  
2 THE MONEY IS RIDICULOUS.

3 BOARD MEMBER CHESBRO: IT'S AN IMPACT WE  
4 JUST CAN'T AFFORD AND BUSINESSES CAN'T AFFORD TO  
5 HAVE.

6 CHAIRMAN PENNINGTON: AND PARTICULARLY AS  
7 WE'RE MOVING FORWARD TO TRY TO DEVELOP OUR MARKET  
8 STRATEGY. OKAY. I GUESS WE'VE DONE THAT.

9 NEXT ITEM IS ITEM NO. 7, CONSIDERATION  
10 OF BATTELLE MEMORIAL INSTITUTE PROJECT. CAREN  
11 TRGOVCICH.

12 MS. TRGOVCICH: MR. CHAIRMAN AND MEMBERS,  
13 THIS ITEM WAS HEARD IN THE MARKET DEVELOPMENT  
14 COMMITTEE AND IS FORWARDED TO THE BOARD FOR THE  
15 PRINCIPAL PURPOSE OF PRESENTING TO THE BOARD THE  
16 COMMITTEE'S RECOMMENDATION TO ENDORSE THIS  
17 PROJECT. ALTHOUGH WE DO NOT HAVE FUNDS AVAILABLE  
18 TO SUPPORT IT IN A MONETARY SENSE, THE COMMITTEE  
19 WAS SEEKING ENDORSEMENT BY THE BOARD FOR THE  
20 PROJECT AS A WHOLE AND FOR STAFF TO PROVIDE  
21 ASSISTANCE WHERE POSSIBLE. AND RANNY IS GOING TO  
22 PROVIDE A BRIEF PRESENTATION ON THE PROJECT AND  
23 THE ENDORSEMENT ITSELF.

24 MS. ECKSTROM: MEMBERS OF THE BOARD, I'M  
25 RANNY ECKSTROM, SENIOR WASTE MANAGEMENT ENGINEER



1 WITH THE WASTE PREVENTION AND MARKET DEVELOPMENT  
2 DIVISION.

3 AT THEIR AUGUST MEETING, THE MARKET  
4 DEVELOPMENT COMMITTEE HEARD A PRESENTATION BY DR.  
5 PRABHAT KRISHNASWAMY OF THE MEMORIAL -- BATTELLE  
6 MEMORIAL INSTITUTE ON THEIR PROPOSED PROJECT  
7 ENTITLED "TECHNOLOGIES FOR THE STRUCTURAL APPLI-  
8 CATION OF RECYCLED PLASTIC LUMBER."

9 AND THIS IS A PROPOSED THREE-YEAR,  
10 \$1.8 MILLION STUDY TO DEVELOP STANDARDS AND  
11 SPECIFICATIONS FOR RECYCLED PLASTIC LUMBER  
12 PRODUCTS. STAFF BELIEVES THAT THIS IS A VERY  
13 IMPORTANT STEP IN THE DEVELOPMENT OF MARKETS FOR  
14 RECYCLED CONTENT PLASTIC LUMBER PRODUCTS, PARTICU-  
15 LARLY IN THE STRUCTURAL USES, BUT IT HAS IMPLI-  
16 CATIONS FOR NONSTRUCTURAL USES AS WELL.

17 LACK OF THESE BARRIERS HAS BEEN ONE --  
18 LACK OF THESE STANDARDS AND SPECIFICATIONS HAS  
19 BEEN ONE OF THE MAJOR BARRIERS TO DEVELOPMENT OF  
20 THIS MARKET. NO ONE KNOWS HOW THE MATERIAL IS  
21 GOING TO FUNCTION, FOR HOW LONG, HOW IT NEEDS TO  
22 BE DESIGNED, TESTED, OR WHAT STANDARDS THAT IT  
23 DOES MEET. SO THIS IS A VERY IMPORTANT STEP TO  
24 DEVELOPING THAT PARTICULAR MARKET.

25 AT THE MARKET DEVELOPMENT COMMITTEE,



1 THE MARKET DEVELOPMENT COMMITTEE RECOMMENDED THAT  
2 THE BOARD SUPPORT THE PROJECT THROUGH NONFINANCIAL  
3 MEANS. AS CAREN HAD INDICATED, WE HAVE NOT IDEN-  
4 TIFIED FUNDING AVAILABLE FOR THE BOARD AT THIS  
5 TIME. AND THAT A LETTER OF SUPPORT BE DEVELOPED  
6 FOR BATTELLE.

7 STAFF THEN DEVELOPED A DRAFT LETTER  
8 THAT HAS HAD SOME INTERNAL REVIEW RIGHT NOW, BUT  
9 IS NOT YET FINALIZED, AND THE DRAFT LETTER DIS-  
10 CUSSES SUCH ITEMS AS THE BOARD'S COMMITMENT TO  
11 DEVELOPING MARKETS FOR RECYCLED CONTENT PRODUCTS,  
12 ALSO REFERS TO OUR MARKET DEVELOPMENT PLAN, AND  
13 HOW THE BATTELLE STUDY IS IN LINE WITH THAT, TALKS  
14 ABOUT RECENT PLASTIC LUMBER BUSINESS ATTEMPTS IN  
15 THE STATE OF CALIFORNIA. RIGHT NOW I BELIEVE  
16 THERE'S ONLY ABOUT THREE COMPANIES, ALL OF WHOM  
17 ARE FAIRLY SMALL, AND THERE HAVE BEEN SEVERAL  
18 OTHERS THAT HAVE GONE OUT OF BUSINESS.

19 AND IT ALSO DISCUSSES NONFINANCIAL  
20 SUPPORT THAT THE BOARD IS ABLE TO PROVIDE AT THIS  
21 TIME. SOME OF THOSE NONFINANCIAL SUPPORT ITEMS  
22 INCLUDE STAFF SUPPORT TO IDENTIFY OTHER STATE  
23 AGENCY FUNDING SOURCES AND PROJECTS. RIGHT NOW  
24 WE'VE BEEN TALKING WITH A NUMBER OF OTHER STATE  
25 AGENCIES, SUCH AS CALTRANS, DEPARTMENT OF CON-



1     SERVATION, BOATING AND WATERWAYS, FISH AND GAME,  
2     MATERIALS FOR THE FUTURE FOUNDATION, WHICH IS NOT  
3     A STATE AGENCY, BUT NONETHELESS IT IS ONE ORGANI-  
4     ZATION WE HAVE CONTACTED, AND PARKS AND RECREA-  
5     TION, AND I BELIEVE A FEW OTHERS.

6             SO WE ARE -- WE HAVE FOUND THAT A  
7     NUMBER OF THESE AGENCIES HAVE SOME EXPERIENCE WITH  
8     PLASTIC LUMBER AND ARE ALSO VERY INTERESTED IN  
9     THIS PROJECT. WE ALSO HAVE IDENTIFIED SOME  
10    POSSIBLE GRANT FUNDING SOURCES THROUGH FEDERAL AND  
11    STATE -- OTHER STATE AGENCY SOURCES.

12            WE ARE ALSO RECOMMENDING THAT SUPPORT  
13    CAN BE PROVIDED THROUGH BUSINESS DEVELOPMENT  
14    EFFORTS, SUCH THE RMDZ AND R-TEAM PROGRAMS,  
15    PUBLICITY FOR THE BATTELLE STUDY, SUCH AS STAFF  
16    HAS ALREADY DONE WITH THESE ORGANIZATIONS, AND  
17    NETWORKING WITH OTHER STATE AGENCIES ON PROJECTS  
18    AND FUNDING SOURCES.

19            SO IN SUMMARY, THE MARKET DEVELOPMENT  
20    COMMITTEE RECOMMENDED THAT THE BOARD APPROVE THE  
21    DEVELOPMENT OF A LETTER OF SUPPORT CONTAINING  
22    THOSE NONFINANCIAL SUPPORT ITEMS FOR BATTELLE.

23            CHAIRMAN PENNINGTON:   OKAY.   ANY QUESTIONS?

24            BOARD MEMBER FRAZEE:   MR. CHAIRMAN, I  
25    NOTICE THAT THIS PROGRAM IS A THREE-YEAR STUDY.



1 AND I WAS WONDERING A BIT ABOUT OUR FINANCIAL  
2 PARTICIPATION IN FUTURE YEARS. IN LOOKING BACK,  
3 AND WE'VE JUST BEEN THROUGH A MARKET DEVELOPMENT,  
4 AND THIS ONE SEEMS LIKE A HIGH PRIORITY. AND I  
5 GUESS PERSONALLY I'D RANK IT AS A HIGHER PRIORITY  
6 THAN SOME OF THE OTHER THINGS THAT WE'VE FUNDED  
7 OVER RECENT YEARS. IF THERE ISN'T SOME WAY THAT  
8 IT -- EXPRESSING SUPPORT NOW, BUT AT LEAST WE CAN  
9 KEEP IT ON THE PRIORITY LIST FOR FUNDING IN FUTURE  
10 YEARS.

11 MS. TRGOVCICH: I THINK AT THE COMMITTEE  
12 MEETING THAT CONCEPT WAS BROUGHT UP OF CARRYING  
13 THIS OVER AS A CONCEPT FOR FUTURE FUNDING, AND WE  
14 COMMITTED TO BRING IT FORWARD IN THE NEXT CYCLE  
15 FOR THE BOARD'S CONSIDERATION.

16 MS. ECKSTROM: UNFORTUNATELY, WE RECEIVED  
17 INFORMATION ABOUT THE BATTELLE PROJECT JUST AS THE  
18 BOARD WAS FINALING UP THEIR PROJECT CONCEPTS FOR  
19 THE LAST YEAR. AND SO IT COULD BE CONSIDERED  
20 DURING THE NEXT CYCLE.

21 THERE IS ONE OTHER POSSIBILITY THAT  
22 STAFF HAS IDENTIFIED THUS FAR IN THAT STRUCTURAL  
23 USE OF PLASTIC LUMBER OFTEN INVOLVES THE TRACTION  
24 ISSUE, SKIDDING IF SOMEONE TRIES TO WALK ON IT,  
25 PARTICULARLY IF WET. AND SO THAT THERE IS A





1 POSSIBILITY THAT CRUMB RUBBER COULD BE INCOR-  
2 PORATED INTO THE PROJECT, AND IT COULD BE CON-  
3 sidered AS A TIRE FUNDED GRANT DURING THE NEXT  
4 CYCLE OR SOME FUTURE CYCLE. SO IT'S JUST  
5 SOMETHING TO KEEP AWARE OF AND IN MIND.

6 BOARD MEMBER CHESBRO: AND MY ONLY HALF  
7 FACETIOUS COMMENT IN THE COMMITTEE WAS THAT MAYBE  
8 WE COULD FIGURE OUT A WAY TO GET USED MOTOR OIL IN  
9 IT TOO.

10 BOARD MEMBER FRAZEE: AND GLASS.

11 BOARD MEMBER CHESBRO: SOMETHING WITH CRV  
12 VALUE MAYBE.

13 BOARD MEMBER RELIS: MR. CHAIR, LAST --  
14 WEEK BEFORE LAST I MET WITH REPRESENTATIVES OF THE  
15 CLEAN WASHINGTON CENTER, AND THEY ARE VERY  
16 INTERESTED IN THIS WORK BY BATTELLE. AND AS YOU  
17 KNOW, THEY PERFORM A FUNCTION SIMILAR TO OURS IN  
18 MARKET DEVELOPMENT FOR THE STATE OF WASHINGTON.  
19 AND WE DISCUSSED THIS, AND I EXPRESSED THAT WE  
20 WERE, BASED ON OUR COMMITTEE ACTION, THAT WE WERE  
21 INTERESTED IN AT LEAST AT THIS POINT IN PROVIDING  
22 A LETTER OF SUPPORT, BUT THAT THERE MIGHT BE  
23 INTEREST IN THE CONTRACT CONCEPT IDEA ALONG WITH  
24 WHAT MR. FRAZEE MENTIONED.

25 AND I DO SHARE HIS VIEW, THAT WE



1 SHOULD BE LOOKING FOR A WAY TO PARTICIPATE FINAN-  
2 CIALY IN THIS EFFORT BECAUSE PLASTICS ARE A  
3 PRIORITY MATERIAL. THE LUMBER AREA HAS BEEN A  
4 CHRONICALLY DEFICIENT AREA. IT'S BEEN NOTED BY A  
5 NUMBER OF THINK TANKS AND OTHERS THAT THE MATERIAL  
6 SPECIFICATION PROBLEM IS THE BARRIER, PRIMARY  
7 BARRIER, TO THE BROAD EXPANDED USE OF THIS  
8 MATERIAL. AND UNTIL WE TACKLE, AND THROUGH A  
9 HIGHLY REPUTABLE ORGANIZATION LIKE BATTELLE, THE  
10 SPECIFICATIONS ISSUE, WE'RE JUST SIMPLY NOT GOING  
11 TO MAKE ANY PROGRESS.

12 SO I WILL HOPE THAT WE WILL FIND SOME  
13 WAY TO PARTICIPATE FINANCIALLY SOONER THAN LATER,  
14 AND I HOPE STAFF WILL LOOK AT EVERY GRANT PROSPECT  
15 OUT THERE WHERE WE CAN PIGGYBACK WITH CLEAN  
16 WASHINGTON CENTER AND OTHER AGENCIES TO GET THEM  
17 THE MONEY THEY NEED TO DO THIS RIGHT.

18 MS. ECKSTROM: RIGHT. WE HAVE SOME - SOME  
19 THAT ARE POTENTIAL NOW. AND WE'VE IDENTIFIED SOME  
20 POSSIBLY THROUGH THE RESOURCES AGENCY WORKING IN  
21 CONNECTION WITH A PROJECT EITHER WITH BOATING AND  
22 WATERWAYS. THEY HAVE A NUMBER OF PROJECTS GOING  
23 ON WITH PLASTIC LUMBER THERE, AS WELL AS DEPART-  
24 MENT OF CONSERVATION AND CALTRANS. SO THERE ARE  
25 SOME POTENTIALS HERE. AS SOON AS THE SOLICITATION



1 ANNOUNCEMENT IS RECEIVED, WE WILL SEE WHAT WE CAN  
2 DO TO ACT AS A PARTNER IN THAT WITH BATTELLE.

3 WE ARE ALSO -- JUST WANTED TO MENTION  
4 CURRENTLY THAT BATTELLE HAS THE SUPPORT OF A  
5 NUMBER OF OTHER STATES, SUCH AS OHIO, SUCH AS  
6 LOUISIANA, CLEAN WASHINGTON CENTER, AS YOU  
7 MENTIONED, OREGON. THEY ARE ALSO GETTING SUPPORT  
8 FROM OWENS CORNING AND A NUMBER OF OTHER LARGE  
9 AGENCIES. I'VE ALSO REFERRED THEM TO ANOTHER  
10 LARGE COMPANY THAT IS CONSIDERING SOME PLASTIC  
11 LUMBER PRODUCTION HERE IN CALIFORNIA THAT WE'VE  
12 JUST BEEN NOTIFIED ABOUT. SO WE ARE MAKING THOSE  
13 CONNECTIONS AND CONTACTS AND HELPING THEM IN ANY  
14 WAY THAT WE CAN.

15 BOARD MEMBER CHESBRO: I AGREE WITH  
16 EVERYTHING THAT HAS BEEN SAID BY BOARD MEMBERS BY  
17 WAY OF THE IMPORTANCE OF THIS PROJECT. ON THE  
18 OTHER HAND, ONE THING THAT WAS DISCUSSED AT  
19 COMMITTEE THAT SHOULD BE BROUGHT UP IS THE FLIP  
20 SIDE OF THE THREE-YEAR NATURE OF IT IS THAT IT  
21 BRINGS US RIGHT UP TO THE YEAR 2000. AND SO THE  
22 QUESTION CAME UP IS THIS GOING TO DELIVER ANYTHING  
23 IN THE INTERIM, OR DO WE HAVE TO WAIT TILL THE  
24 YEAR 2000 TO BEGIN TO EXPERIENCE THE BENEFITS OF  
25 THIS? AND IF SO, IT MIGHT BE A LITTLE BIT LATE



1 FOR US.

2 AND THE ANSWER THAT THE REPRESENTATIVE  
3 GAVE WAS THAT THERE WILL BE INTERIM -- I DON'T  
4 REMEMBER THE SPECIFICS. MAYBE, RANNY, YOU CAN  
5 REMEMBER THEM. BUT HE DID SAY THAT THERE WOULD BE  
6 SPECIFIC COMPONENTS OF IT THAT WOULD BE COMPLETED  
7 ALONG THE WAY THAT WOULD BEGIN TO BENEFIT THE  
8 INDUSTRY MORE QUICKLY. IT'S NOT A QUESTION OF  
9 HAVING NOTHING FOR THREE YEARS, AND THEN HAVING  
10 ALL THE BENEFITS AT THE END OF THE PROJECT.

11 MS. ECKSTROM: THEY ARE BEGINNING TO START,  
12 AS I UNDERSTAND IT, IN SEPTEMBER WHEN THEY HAVE  
13 RECEIVED COMMITMENTS FOR ONE-THIRD OF THE FIRST  
14 YEAR'S FUNDING, WHICH THEY HAVE RECEIVED ALREADY  
15 FROM OTHER SOURCES. AND SO THEY ARE READY TO  
16 ACTUALLY START ON THE PROJECT RIGHT ABOUT MOMEN-  
17 TARILY.

18 BOARD MEMBER CHESBRO: BUT THERE ARE  
19 SOME - - I GUESS MY ! -

20 MS. ECKSTROM: THERE ARE SOME DELIVERABLES  
21 IN THE MEANTIME, YES.

22 BOARD MEMBER CHESBRO: THIS CAN HAPPEN MORE  
23 QUICKLY THAN THE THREE-YEAR.

24 MS. ECKSTROM: AND THAT IS WHY WE ARE ALSO  
25 LOOKING FOR A CALIFORNIA DEMONSTRATION PROJECT



1 THROUGH EITHER CALTRANS OR SOME OF THE OTHER  
2 AGENCIES TO GET SOME OF THOSE EARLY RESULTS. AND  
3 WE FEEL IT'S VERY IMPORTANT FOR CALIFORNIA TO  
4 PARTICIPATE IN THIS SO THAT WE CAN GET THOSE EARLY  
5 RESULTS.

6 BOARD MEMBER RELIS: WELL, MAY I JUST ASK  
7 THAT IF STAFF BELIEVES THERE WOULD BE -- IT WOULD  
8 BE HELPFUL TO HAVE BOARD MEMBERS DIRECTLY TALK TO  
9 OTHER AGENCIES ON THIS, I MEAN WE'VE DONE WORK  
10 WITH CALTRANS, WE HAVE JOINT PROJECTS. IF YOU CAN  
11 SCARE UP, IDENTIFY THE WAY WE COULD PARTNER, THEN  
12 WE, I BELIEVE, I DON'T KNOW FOR SURE, BUT I  
13 BELIEVE THE BOARD MEMBERS WOULD BE VERY INTERESTED  
14 IN MAKING THIS HAPPEN.

15 MS. ECKSTROM: I WOULD BE HAPPY TO PROVIDE  
16 THAT TO CAREN TO BRING IT FORWARD.

17 BOARD MEMBER FRAZEE: MR. CHAIRMAN, JUST A  
18 FINAL SIDELIGHT ON THIS ISSUE. REPORT IN A TRADE  
19 PUBLICATION OF A MANUFACTURER IN OREGON USING PET  
20 AND LAYERING IT INTO LAMINATED WOOD BEAMS AND  
21 GAINING ADDITIONAL STRENGTH, BUT ALSO REDUCING THE  
22 CROSS SECTION AND USING LESS LUMBER FOR THE SAME  
23 STRENGTH BEAM. SO THERE'S GREAT POTENTIAL.  
24 THAT'S AN INSTANCE WHERE THE ENGINEERING IS DONE  
25 ON A PER PIECE BASIS RATHER THAN AN OVERALL



1 STANDARD. AND I THINK THAT'S WHAT THIS STUDY IS  
2 SEEKING IS A GENERAL STANDARD THAT COULD BE USED  
3 IN THE INDUSTRY.

4 MS. ECKSTROM: RIGHT. THE PROBLEM IS WHEN  
5 IT GOES TO A BUILDING COMMITTEE TO APPROVE IT AND  
6 THE BUILDING COMMITTEE IS NOT FAMILIAR WITH IT,  
7 NOR ARE THEIR ENGINEERS, IT TAKES A GREAT DEAL OF  
8 TIME TO GET IT THROUGH THE APPROVAL PROCESS.

9 CHAIRMAN PENNINGTON: ANY OTHER DISCUSSION?  
10 DOES ANYBODY CARE TO MAKE A MOTION ON THIS?

11 BOARD MEMBER RELIS: I WOULD SO MOVE, THAT  
12 WE GO AHEAD WITH THE COOPERATION ON THIS WITH  
13 BATTELLE, I GUESS.

14 CHAIRMAN PENNINGTON: YES. PERHAPS WHAT  
15 YOU ARE SUGGESTING IS WE SEND A LETTER OF SUPPORT,  
16 NONFINANCIAL SUPPORT, AND TELL THEM --

17 BOARD MEMBER RELIS: IT'S NONFINANCIAL FOR  
18 THE MOMENT, BUT CERTAINLY NOT PRECLUDING IT IN THE  
19 FUTURE.

20 CHAIRMAN PENNINGTON: BUT STATE IN THE  
21 LETTER THAT WE MAY LOOK AT THIS.

22 BOARD MEMBER RELIS: YES.

23 BOARD MEMBER GOTCH: I'LL SECOND.

24 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND  
25 SECONDED. WILL THE SECRETARY CALL THE ROLL.



1 BOARD SECRETARY: BOARD MEMBER CHESBRO.  
2 BOARD MEMBER CHESBRO: AYE.  
3 BOARD SECRETARY: FRAZEE.  
4 BOARD MEMBER FRAZEE: AYE.  
5 BOARD SECRETARY: GOTCH.  
6 BOARD MEMBER GOTCH: AYE.  
7 BOARD SECRETARY: RELIS.  
8 BOARD MEMBER RELIS: AYE.  
9 BOARD SECRETARY: CHAIRMAN PENNINGTON.  
10 CHAIRMAN PENNINGTON: AYE.  
11 NEXT IS ITEM 18, CONSIDERATION OF  
12 STAFF RECOMMENDATION ON THE ADEQUACY OF THE SITING  
13 ELEMENT FOR SAN BERNARDINO COUNTY. PART OF THAT  
14 HAS ALREADY BEEN ON THE CONSENT CALENDAR. AND WE  
15 CAN START WITH THIS ON THE RECORD.  
16 MR. DHILLON: GOOD MORNING, MR. CHAIRMAN  
17 AND BOARD MEMBERS. MY NAME IS SURJIT DHILLON, AND  
18 I'M WITH THE OFFICE OF LOCAL ASSISTANCE.  
19 ITEM 18 IS CONSIDERATION OF THE STAFF  
20 RECOMMENDATION ON SAN BERNARDINO COUNTY SITING  
21 ELEMENT. AT THE AUGUST 14, 1996, LOCAL ASSISTANCE  
22 AND PLANNING COMMITTEE MEETING, THE COMMITTEE  
23 RECOMMENDED APPROVAL FOR SAN BERNARDINO COUNTY'S  
24 SITING ELEMENT ONLY IF THE COUNTY SUBMITTED ADDI-  
25 TIONAL INFORMATION.



1 COMMITTEE REQUIRED THE COUNTY TO  
2 PROVIDE STAFF WITH ADDITIONAL INFORMATION NO LATER  
3 THAN AUGUST 21ST, WHICH INCLUDED MAKING SOME  
4 TECHNICAL CHANGES IN THE SITING ELEMENT. IN  
5 ADDITION, THE COMMITTEE RECOMMENDED THAT THE  
6 COUNTY SHOULD MAIL THE CLARIFIED PORTIONS OF THE  
7 DOCUMENT TO ALL JURISDICTIONS WITHIN THE COUNTY BY  
8 AUGUST 23, 1996, SO THAT THEY HAVE AN UPDATED  
9 VERSION OF THE SITING ELEMENT BEFORE THE BOARD  
10 MEETING.

11 THE COUNTY HAS MET THESE REQUIREMENTS  
12 BY SUBMITTING THE REQUIRED CHANGES IN THE SITING  
13 ELEMENT BY AUGUST 21ST, AND BY MAILING THE UPDATED  
14 INFORMATION TO THE JURISDICTIONS BY AUGUST 23,  
15 1996. THEREFORE, STAFF NOW RECOMMEND AN APPROVAL  
16 FOR THE COUNTY OF SAN BERNARDINO'S SITING ELEMENT.  
17 THIS CONCLUDES MY PRESENTATION. ANY QUESTIONS,  
18 PLEASE?

19 CHAIRMAN PENNINGTON: ANY QUESTIONS?

20 BOARD MEMBER CHESBRO: I'LL MOVE IT, MOVE  
21 APPROVAL OF THE DOCUMENT, AND JUST COMMENT THAT  
22 BOTH STAFF AND THE COUNTY AND THE COUNTY CONTRACT  
23 REPRESENTATIVES, WHO ARE NORCAL FOLKS, DESERVE A  
24 LOT OF CREDIT FOR WORKING CLOSELY TOGETHER TO  
25 BRING THIS TO THIS POINT.





1 CHAIRMAN PENNINGTON: IT'S BEEN MOVED.  
2 BOARD MEMBER GOTCH: I'LL SECOND.  
3 CHAIRMAN PENNINGTON: SECONDED. WILL THE  
4 SECRETARY CALL THE ROLL.  
5 BOARD SECRETARY: BOARD MEMBER CHESBRO.  
6 BOARD MEMBER CHESBRO: AYE.  
7 BOARD SECRETARY: FRAZEE.  
8 BOARD MEMBER FRAZEE: AYE.  
9 BOARD SECRETARY: GOTCH.  
10 BOARD MEMBER GOTCH: AYE.  
11 BOARD SECRETARY: RELIS.  
12 BOARD MEMBER RELIS: AYE.  
13 BOARD SECRETARY: CHAIRMAN PENNINGTON.  
14 CHAIRMAN PENNINGTON: AYE.  
15 ITEM 23, UPDATE AND PUBLICATION OF THE  
16 INVENTORY OF SOLID WASTE FACILITIES WHICH VIOLATE  
17 STATE MINIMUM STANDARDS. MS. RICE.  
18 MS. RICE: DOROTHY RICE, DEPUTY DIRECTOR  
19 FOR THE PERMITTING AND ENFORCEMENT DIVISION. PAUL  
20 WILLMAN WILL MAKE THE PRESENTATION FOR STAFF.  
21 MR. WILLMAN: GOOD MORNING, BOARD MEMBERS.  
22 MY NAME IS PAUL WILLMAN, AND I'LL BE PRESENTING  
23 THIS ITEM. IT'S A TWO-PART ITEM.  
24 THE FIRST PART ACTUALLY PRESENTS THE  
25 UPDATED INVENTORY OF THE SOLID WASTE FACILITIES



1 WHICH VIOLATE STATE MINIMUM STANDARDS FOR PUBLI-  
2 CATION PURPOSES. THIS PART OF THE ITEM REQUIRES  
3 NO ACTION ON YOUR PART. THE ACT OF PRESENTING THE  
4 INVENTORY SERVES AS PUBLICATION AS REQUIRED BY THE  
5 LAW.

6 THE SECOND PART OF THIS ITEM UPDATES  
7 THE COMMITTEE ON THE STATUS OF THE CURRENT INVEN-  
8 TORY IMPLEMENTATION PROCESS AND ADDRESSES THE  
9 REGULATION DEVELOPMENT ISSUE. THIS IS AN ACTION  
10 PORTION OF THE ITEM.

11 THE COMMITTEE DID VOTE TO APPROVE  
12 STAFF RECOMMENDATION AND PUT THIS ITEM ON CONSENT,  
13 BUT DUE TO THE FACT THAT THE INVENTORY NEEDS TO BE  
14 PUBLISHED WITH A PRESENTATION, I'LL BE PRESENTING  
15 THAT ALSO.

16 AS FAR AS THE INVENTORY UPDATE, IN  
17 APRIL OF THIS YEAR, BOARD STAFF REVIEWED STATE  
18 MINIMUM STANDARDS STATUS FOR ALL ACTIVE, PERMITTED  
19 SOLID WASTE FACILITIES AND ISSUED 114 NOTICES OF  
20 INTENT TO INCLUDE FACILITIES ON THE INVENTORY.  
21 THERE WERE THREE NOI'S ISSUED PREVIOUSLY TO THAT,  
22 AND SINCE THEN 16 MORE HAVE BEEN ISSUED, FOR A  
23 TOTAL OF 133 NOTICES OF INTENT.

24 SEVENTY-EIGHT FACILITIES HAVE ALREADY  
25 CORRECTED THE VIOLATIONS LISTED IN THOSE NOI'S.



1 AND IN THOSE CASES THE NOI'S HAVE BEEN RESCINDED.  
2 ELEVEN FACILITIES ARE STILL PENDING; THAT IS, THE  
3 90 DAYS HAS NOT PASSED YET. FORTY-FOUR FACILITIES  
4 DID FAIL TO CORRECT THE VIOLATIONS LISTED IN THE  
5 NOI WITHIN THE 90-DAY PERIOD. THEY ARE NOW  
6 INCLUDED ON THE INVENTORY.

7 THERE WERE TWO FACILITIES ON THE  
8 INVENTORY FROM THE PREVIOUS PUBLICATION. THAT  
9 GIVES US A TOTAL OF 46 FACILITIES CURRENTLY ON THE  
10 INVENTORY.

11 YOU SHOULD HAVE RECEIVED THIS MORNING  
12 A NEW INVENTORY, AND I APOLOGIZE FOR THE CON-  
13 FUSION. WHAT THAT WAS IS SIMPLY AN UPDATE OF THE  
14 INVENTORY SINCE THE COMMITTEE ITEM. ONE FACILITY  
15 HAS BEEN REMOVED AND ANOTHER ONE ADDED SINCE THEN.

16 ADDITIONALLY, THE ACTUAL VIOLATIONS  
17 LISTED ON THE FAR RIGHT, DURING THE COMMITTEE  
18 ITEM, WE DIDN'T HAVE FULL INFORMATION ON WHICH  
19 VIOLATIONS HAD BEEN CORRECTED BY THE OPERATOR IN  
20 THAT 90-DAY PERIOD. WE DO NOW HAVE THAT, AND THAT  
21 NEW LIST HAS DELETED THOSE ONES THAT DID CORRECT  
22 IN THAT 90-DAY PERIOD. SO THE ONES ON THERE ARE  
23 JUST SIMPLY THE ONES THAT ARE REMAINING. THAT'S  
24 WHAT GOT THEM ON THE INVENTORY TECHNICALLY.

25 ONE LAST ISSUE REGARDING THE INVENTORY



1 INVOLVED THE REQUEST BY THE COMMITTEE TO PROVIDE  
2 THEM WITH SUPPLEMENTAL INFORMATION. AS MR. FRAZEE  
3 INDICATED, IT'S ON THE NATURE OF THE VIOLATIONS,  
4 THE TIME FRAMES FOR CORRECTION, AND WHAT LEA  
5 ENFORCEMENT ACTIONS. THIS INFORMATION, YOU DO  
6 HAVE SOME OF IT, BUT WE DON'T HAVE ALL OF IT YET.  
7 SO IT WILL BE PRESENTED IN SEPTEMBER ON A SEPARATE  
8 AGENDA ITEM AS PLANNED.

9 THAT CONCLUDES THE PART ABOUT THE  
10 INVENTORY ITSELF.

11 NOW, AS FAR AS INVENTORY IMPLEMEN-  
12 TATION, AS YOU RECALL, THE NRDC LAWSUIT RESULTED  
13 IN THE BOARD HALTING IMPLEMENTING THE INVENTORY  
14 POLICY AND PROCEDURES, WHICH WAS LEA ADVISORY 14R.  
15 THAT WAS IN APRIL OF THIS YEAR. THE COURT RULED  
16 THAT THE POLICY WOULD BE INCORPORATED INTO REGU-  
17 LATIONS IN ORDER TO BE IMPLEMENTED.

18 CURRENTLY WE DON'T HAVE ANY REGU-  
19 LATIONS. WE'VE BEEN IMPLEMENTING THE INVENTORY  
20 FROM THE PERSPECTIVE OF A STRICT INTERPRETATION OF  
21 PRC 44104 AND 106, AND WHICH BASICALLY STATES THAT  
22 ANY SOLID WASTE FACILITY WHICH VIOLATES ANY STATE  
23 MINIMUM STANDARD FOR ANY LENGTH OF TIME, YOU ARE  
24 GOING TO GET A 90-DAY NOTICE OF INTENT TO LIST.  
25 FAILURE TO CORRECT WITHIN THAT 90 DAYS, WE'LL



1 INCLUDE THEM ON THE INVENTORY.

2 AS YOU MAY RECALL, THE LAST BOARD  
3 ACTION ON THIS PARTICULAR ITEM WAS IN APRIL OF '96  
4 WHERE YOU APPROVED THE TEMPORARY IMPLEMENTATION OF  
5 THE INVENTORY IN THIS MANNER, DEFERRING A DECISION  
6 ON WHETHER OR NOT TO DEVELOP REGULATIONS UNTIL THE  
7 NEXT INVENTORY UPDATE, A PUBLICATION WHICH IS NOW  
8 AT HAND.

9 BOARD STAFF FEELS THAT THE CURRENT  
10 IMPLEMENTATION EFFORT HAS NOT BEEN IN PLACE LONG  
11 ENOUGH FOR LEA AND BOARD STAFF TO ADEQUATELY  
12 ASSESS ITS EFFECTIVENESS AND EFFICIENCY. THE  
13 FIRST ROUND OF NOTICES OF INTENT ISSUED IN APRIL  
14 HAVE JUST EXPIRED. THE SITES ARE JUST NOW BEING  
15 INCLUDED IN THE INVENTORY, AND WE NEED MORE TIME  
16 TO GET FEEDBACK FROM BOTH LEA AND BOARD STAFF  
17 INSPECTORS AS FAR AS HOW THIS PROCESS IS WORKING.  
18 AND WE'RE GOING TO HAVE A PRIME OPPORTUNITY FOR  
19 GETTING LEA FEEDBACK IN OCTOBER WHEN WE HAVE THE  
20 ROUNDTABLES WITH THEM.

21 THIS FEEDBACK WE CONSIDER CRUCIAL IN  
22 DETERMINING ANY PROBLEMS THAT THE CURRENT PROCESS  
23 MAY INVOLVE OR MAY NEED TO BE SOLVED AND WHETHER  
24 OR NOT REGULATIONS WILL NEED TO BE DEVELOPED. THE  
25 PROCESS IS CURRENTLY GOING ALONG RATHER WELL. AND



1 I HAVEN'T GOTTEN ANY REAL NEGATIVE FEEDBACK FROM  
2 LEA'S. I'VE GOTTEN ACTUALLY SOME POSITIVE FEED-  
3 BACK, SO WE MAY NOT END UP DEVELOPING REGULATIONS.  
4 WE MAY JUST CONTINUE IMPLEMENTING IT IN THAT  
5 FASHION.

6 THE FOLLOWING OPTIONS ARE BEFORE YOU  
7 TODAY REGARDING THE LONG-TERM IMPLEMENTATION OF  
8 THE INVENTORY. FIRST ONE WOULD BE TO DIRECT STAFF  
9 TO CONTINUE TO IMPLEMENT THE INVENTORY UNDER  
10 STRICT INTERPRETATION OF THE LAW WITHOUT DEVELOP-  
11 ING REGULATIONS. WE'LL JUST, YOU KNOW, MAKE THAT  
12 DECISION RIGHT NOW. OR, TWO, DIRECT STAFF TO  
13 IMMEDIATELY BEGIN DEVELOPING REGS TO IMPLEMENT THE  
14 INVENTORY WHILE CONTINUING TO IMPLEMENT IT UNDER  
15 THE STRICT INTERPRETATION UNTIL THE REGS ARE  
16 FINALIZED; OR, THREE, DIRECT STAFF TO CONTINUE TO  
17 IMPLEMENT THE INVENTORY UNDER THE STRICT INTERPRE-  
18 TATION AND DEFER MAKING A DECISION ON THE  
19 DEVELOPMENT OF REGS UNTIL THE NEXT PUBLICATION,  
20 WHICH WOULD BE IN FEBRUARY OF '97.

21 AT THAT TIME, AS I INDICATED, WE'D  
22 HAVE MORE INFORMATION TO GIVE A MORE EDUCATED  
23 PRESENTATION OR RECOMMENDATION ON THAT. FOR THE  
24 REASONS I OUTLINED EARLIER, STAFF IS RECOMMENDING  
25 OPTION 3 AND APPROVAL OF RESOLUTION 96-379. THE



1 COMMITTEE DID CONCUR WITH THIS OPTION, AND UNDER  
2 THIS OPTION, WE WILL BRING A FINAL RECOMMENDATION  
3 TO THE BOARD IN FEBRUARY OF '97.

4 THIS CONCLUDES MY PRESENTATION. ARE  
5 THERE ANY QUESTIONS ON EITHER THE INVENTORY ITSELF  
6 OR THE IMPLEMENTATION PROCESS?

7 CHAIRMAN PENNINGTON: MR. FRAZEE.

8 BOARD MEMBER FRAZEE: QUESTION. JUST FOR  
9 CLARIFICATION, THIS WILL CONSTITUTE THE INITIAL  
10 PUBLICATION OF THE LIST. THE NEXT PUBLICATION  
11 THEN WILL BE IN FEBRUARY AND EVERY 180 DAYS AFTER  
12 THAT. IS THAT - -

13 MR. WILLMAN: CORRECT. THE LAW REQUIRES US  
14 TO UPDATE AND PUBLISH EVERY SIX MONTHS OR TWICE A  
15 YEAR.

16 BOARD MEMBER FRAZEE: SO A VIOLATION THAT  
17 IS NOTED, THERE IS A 90-DAY TIME FRAME FOR AN  
18 OPERATOR TO CORRECT THAT VIOLATION OR ELSE IT WILL  
19 APPEAR ON THE INVENTORY.

20 MR. WILLMAN: CORRECT.

21 BOARD MEMBER FRAZEE: WHAT ABOUT A VIOLA-  
22 TION THAT IS NOTED IN THAT LAST 90 DAYS BEFORE  
23 PUBLICATION WHERE THERE'S NOT THE FULL 90 DAYS?  
24 IS THAT CARRIED OVER FOR A FULL SIX MONTHS, OR IS  
25 IT - -



1 MR. WILLMAN: VIOLATIONS THAT ARE NOT  
2 CORRECTED IN THE 90 DAYS?

3 BOARD MEMBER FRAZEE: WELL, IF IT'S  
4 INITIALLY NOTED WITHIN 45 DAYS OF THE PUBLICATION.

5 MR. WILLMAN: AS BEING CORRECTED?

6 BOARD MEMBER FRAZEE: NO. AS BEING AN  
7 OUTSTANDING VIOLATION. THEN THERE IS NOT THE --  
8 OBVIOUSLY NOT THE 90-DAY PERIOD TO ALLOW IT TO BE  
9 CORRECTED. SO IF IT IS NOT CORRECTED, DOES IT  
10 APPEAR ON THAT LIST OR ON THE ONE SIX MONTHS DOWN  
11 THE ROAD?

12 MR. WILLMAN: OKAY. I'M NOT SURE I UNDER-  
13 STAND YOUR QUESTION.

14 MS. RICE: I BELIEVE I UNDERSTAND THE  
15 QUESTION.

16 BOARD MEMBER FRAZEE: GETTING TO THE POINT  
17 OF IS SOMEONE DISADVANTAGED BY THE DATE IN WHICH  
18 THE VIOLATION IS INITIALLY CITED?

19 MS. RICE: THE QUESTION, PAUL, WAS IF THE  
20 NOTICE OF VIOLATION GOES OUT VERY SHORTLY BEFORE  
21 YOU'RE ABOUT TO PUBLISH THE INVENTORY, BECAUSE,  
22 SAY, IT'S JANUARY AND YOU SEND OUT A NOTICE AND  
23 YOU'RE GOING TO PUBLISH IN FEBRUARY, DOES THAT  
24 OPERATOR HAVE THE FULL 90 DAYS? IN OTHER WORDS,  
25 DO THEY GO ON THE INVENTORY FOR SIX MONTHS.





1 MR. WILLMAN: CORRECT. THAT'S SPECIFIC IN  
2 THE LAW. THAT'S -- THE DUE PROCESS IS YOU'VE GOT  
3 TO GIVE THEM THE FULL 90 DAYS, RIGHT. SO...

4 BOARD MEMBER FRAZEE: SO I JUST WANTED TO  
5 BE SURE THAT THERE WAS A LEVEL PLAYING FIELD FOR  
6 EVERYONE THAT'S ON THERE BECAUSE OF TIMING THAT  
7 SOME OPERATIONS WERE NOT GOING TO BE --

8 MS. RICE: BEING BUMPED TO THE NEXT  
9 INVENTORY IF THE VIOLATION IS NOT CORRECTED.

10 MR. WILLMAN: ALSO, WHAT I WAS GOING TO SAY  
11 IS THAT ALTHOUGH THE LAW SAYS WE'RE TO UPDATE AND  
12 PUBLISH TWICE A YEAR, WE'RE ACTUALLY GOING TO BE  
13 UPDATING IT EVERY TWO MONTHS AND PUBLISHING IT  
14 TWICE A YEAR.

15 BOARD MEMBER FRAZEE: SO IN THE INTERIM,  
16 ANYONE WHO WALKS INTO OUR OFFICE AND WANTS TO SEE  
17 THIS, THEY SEE AN UPDATED VERSION OF IT AND NOT A  
18 SIX MONTH.

19 MR. WILLMAN: WE'RE PRESENTING IT HERE. IN  
20 TWO MONTHS WE WILL UPDATE IT AGAIN, IN TWO MONTHS,  
21 AND THEN IN TWO MONTHS IT WILL BE UPDATED AND  
22 PUBLISHED IN FEBRUARY.

23 CHAIRMAN PENNINGTON: OKAY. ANY OTHER  
24 QUESTIONS OF THE STAFF?

25 MR. BELL: MY NAME IS JOHN BELL. I'D LIKE



1 TO SAY ONE OTHER THING ABOUT THE INVENTORY. I  
2 MANAGE THE ENFORCEMENT BRANCH.

3 THE INITIAL VIOLATIONS THAT THE NOI IS  
4 SENT OUT FOR ARE ONLY THOSE VIOLATIONS THAT  
5 THEY'RE HELD FOR -- UNTIL THEY COME OFF THE LIST.  
6 SO NEW VIOLATIONS OCCUR, WE DON'T START A NEW 90  
7 DAYS ON EACH OF THOSE. WE CLEAR THE FIRST SET OF  
8 VIOLATIONS OUT. THAT'S THE WAY WE HAVE TRADITION-  
9 ALLY HANDLED IT TO BE FAIR. OTHERWISE, IT'S A  
10 CONTINUAL, VERY COMPLEX PROCESS EVEN TO TRACK.

11 CHAIRMAN PENNINGTON: OKAY. ANY OTHER  
12 QUESTIONS OF STAFF? IF NOT, WE HAVE --

13 BOARD MEMBER FRAZEE: MOVE ADOPTION OF  
14 RESOLUTION 96-379.

15 CHAIRMAN PENNINGTON: I HAVE A PUBLIC  
16 PERSON WHO WISHES TO -- EVAN EDGAR.

17 MR. EDGAR: THANK YOU, CHAIRMAN, BOARD  
18 MEMBERS. MY NAME IS EVAN EDGAR. I'M THE ENGINEER  
19 FOR THE CALIFORNIA REFUSE REMOVAL COUNCIL. TWO  
20 ITEMS TODAY FOR ME.

21 SINCE THE P&E COMMITTEE, I HAD A  
22 CHANCE TO MEET WITH OUR LANDFILL GROUP AND OTHER  
23 MEMBERS OF THE REGULATED COMMUNITY. AND WE ARE  
24 LOOKING AT OPTION 2 ABOUT HAVING REGULATIONS MOVED  
25 FORWARD. IF YOU LOOK DOWN THE LIST OF THE 45



1 DIFFERENT PEOPLE ON THE LIST, THERE'S SOME MINOR  
2 VIOLATIONS THERE FROM LITTER, RDSI, OFFSITE  
3 REVIEW. SOME OF THOSE ARE NOT REALLY THAT GRAVE  
4 THAT IT NEEDS TO BE REALLY PUBLISHED.

5 ONE THING THAT WE'RE LOOKING AT IS  
6 HAVING MINOR VIOLATIONS NOT BE ON THE VIOLATION  
7 LIST. SO IF THE REGULATIONS WOULD MOVE FORWARD,  
8 THAT'S A TESTIMONY WE WOULD HAVE IN ORDER TO  
9 REMOVE THE MINOR VIOLATIONS FROM MAKING THE  
10 PUBLICATIONS LIST.

11 THE SECOND ITEM I HAVE IS A MORE  
12 EMERGENT ISSUE, A TREND WITHIN INDUSTRY. TWENTY-  
13 FIVE OUT OF THE 45 DIFFERENT LISTED FACILITIES HAS  
14 TO DO EITHER EXPLOSIVE GAS OR GAS CONTROL. AND  
15 THAT'S A KEY ISSUE TO THIS INDUSTRY. BECAUSE OF  
16 THE POLICY, WE HAVE A LONG-TERM VIOLATIONS THAT'S  
17 SOMEWHAT IN FLUX RIGHT NOW WITH REGARDS TO WHEN A  
18 PERMIT IS IN FRONT OF THIS WASTE BOARD ON CON-  
19 CURRENCE FOR A PERMIT REVIEW, AND YOU HAVE A  
20 LONG-TERM VIOLATION, SUCH AS LANDFILL GAS AND  
21 EXPLOSIVE GASES, YOU CAN'T REALLY GET OFF THE LIST  
22 IN 90 DAYS.

23 SOME OF THESE ISSUES TAKE TWO TO THREE  
24 YEARS TO CLEAN UP. SO THAT WOULD BE A LONG-TERM  
25 VIOLATION. AND TO COME IN FRONT OF THIS BOARD TO



1 GET POLICY FOR LONG-TERM VIOLATIONS, SOMETHING  
2 WE'VE BEEN WORKING ON AND LOOK FORWARD TO WORKING  
3 WITH THE DEPUTY DIRECTOR, DOROTHY RICE, ON THAT  
4 OVER THE NEXT FEW MONTHS.

5 WE HAD A MEETING TWO WEEKS AGO WITH  
6 CAL/EPA, WITH AIR, WASTE, AND WATER. WE HAD TWO  
7 PEOPLE FROM THE AIR BOARD, TWO FROM WATER, AND TWO  
8 FROM THE WASTE BOARD. BOTH DOROTHY AND SHARON  
9 TALKED ABOUT LANDFILL GAS.

10 AND IN CONCERT WITH AB 1220, IN  
11 CONCERN WITH THE EMERGING TITLE 5 COMING DOWN FROM  
12 THE FEDERAL EPA, I CAN SEE LANDFILL GAS WILL BE A  
13 HOT ISSUE FOR THE NEXT TWO TO THREE YEARS AS THE  
14 FEDERAL REGULATIONS COME DOWN AND AS THESE LISTS  
15 ARE PUT OUT, SO THAT'S SOMETHING WE WORK ON WITH  
16 STAFF IN ORDER TO ADDRESS THE LONG-TERM VIOLATIONS  
17 ON THE PART OF PERMITTING AND HOW LANDFILL GAS  
18 WORKS IN THE UPCOMING NEXT PHASE OF AB 1220.  
19 THANK YOU.

20 CHAIRMAN PENNINGTON: ANY QUESTIONS OF --

21 BOARD MEMBER FRAZEE: JUST A COMMENT, MR.  
22 CHAIRMAN, ON THE ISSUE OF MINOR VERSUS MAJOR  
23 VIOLATIONS AND NOT LISTING MINOR. I HAVE DEBATED  
24 WITH MYSELF ON THAT ISSUE, WHICH IS APPROPRIATE.  
25 AND I THINK THERE ARE TWO THINGS THAT AFFECT MY



1 VIEW THAT WE SHOULD LIST THEM ALL.

2 NO. 1, WE'RE COMING INTO THIS AS THE  
3 RESULT OF A LAWSUIT. AND I THINK THAT'S AN  
4 ADDITIONAL INCENTIVE TO MEET THE LETTER OF THE LAW  
5 ON THIS. BUT, SECOND, IF YOU HAVE VIOLATIONS, BUT  
6 YOU DON'T LIST THEM OR IDENTIFY WHAT THEY ARE OR  
7 PUT THEM IN ANOTHER CATEGORY, THAT GIVES OPPONENTS  
8 TO LANDFILLS AN OPPORTUNITY TO PUBLISH THE KIND OF  
9 INFORMATION THAT THIS LANDFILL HAD X NUMBER OF  
10 VIOLATIONS, AND THERE'S NO CLEAR-CUT DOCUMENT THAT  
11 GIVES THE RESPONSE, YES, BUT THOSE WERE ALL PAPER  
12 VIOLATIONS, REPORTING REQUIREMENT VIOLATIONS, AND  
13 NOT MAJOR VIOLATIONS.

14 SO I THINK IF THEY'RE ALL LISTED IN  
15 ONE DOCUMENT WHERE THEY'RE EASILY ACCESSIBLE, IT  
16 GIVES THE LANDFILL A BETTER OPPORTUNITY TO DEFEND  
17 THEMSELVES AGAINST THE FALLACIOUS ARGUMENT THAT  
18 THIS LANDFILL HAS HAD AN EXCESSIVE NUMBER OF  
19 VIOLATIONS AND COUNTING NUMBERS AND NOT TYPES OF  
20 VIOLATIONS.

21 CHAIRMAN PENNINGTON: OKAY. WE'RE READY  
22 FOR A MOTION.

23 BOARD MEMBER FRAZEE: YES. I MOVE THE  
24 ADOPTION OF RESOLUTION 96-379.

25 BOARD MEMBER RELIS: SECOND.



1 CHAIRMAN PENNINGTON: IT'S MOVED AND  
2 SECONDED. ANY FURTHER DISCUSSION. IF NOT, WILL  
3 THE SECRETARY CALL THE ROLL.  
4 BOARD SECRETARY: BOARD MEMBER CHESBRO.  
5 BOARD MEMBER CHESBRO: AYE.  
6 BOARD SECRETARY: FRAZEE.  
7 BOARD MEMBER FRAZEE: AYE.  
8 BOARD SECRETARY: GOTCH.  
9 BOARD MEMBER GOTCH: AYE.  
10 BOARD SECRETARY: RELIS.  
11 BOARD MEMBER RELIS: AYE.  
12 BOARD SECRETARY: CHAIRMAN PENNINGTON.  
13 CHAIRMAN PENNINGTON: AYE. MOTION CARRIES.  
14 WE'LL MOVE ON TO ITEM 24,  
15 CONSIDERATION OF DUTIES AND RESPONSIBILITIES AND  
16 PROGRAM PROCEDURES FOR THE BOARD ACTING AS THE  
17 ENFORCEMENT AGENT. MS. RICE.  
18 MS. RICE: TOM UNSELL AND BOB HOLMES WILL  
19 MAKE THE PRESENTATION FOR STAFF.  
20 MR. UNSELL: MY NAME IS TOM UNSELL, MANAGER  
21 OF THE LOCAL ENFORCEMENT AGENCY -- ENFORCEMENT  
22 AGENCY BRANCH. AND STAFF ARE PREPARED TO ADDRESS  
23 ANY QUESTIONS THAT YOU MAY HAVE, OR WE CAN GIVE AN  
24 ABBREVIATED PRESENTATION OF THE P&E COMMITTEE  
25 PRESENTATION THAT WE MADE, OR WE COULD GIVE THE



1 ENTIRE PRESENTATION OF THE P&E TODAY. WHAT IS THE  
2 BOARD'S PLEASURE?

3 CHAIRMAN PENNINGTON: IF IT'S THE BOARD'S  
4 PLEASURE, WHY DON'T WE HAVE THE ABBREVIATED.

5 MR. UNSELL: OKAY. BOB HOLMES WILL GIVE  
6 THE STAFF PRESENTATION.

7 MR. HOLMES: GOOD MORNING.

8 CHAIRMAN PENNINGTON: GOOD MORNING.

9 MR. HOLMES: THE ITEM BEFORE YOU HAS EIGHT  
10 DIFFERENT ISSUES. THE -- THEY GOT ON THE LIST FOR  
11 DIFFERENT REASONS. SOME OF THEM ARE ON THE LIST  
12 BECAUSE OF BOARD MEMBERS' QUESTIONS. SOME OF THEM  
13 ARE ON THE LIST BECAUSE OF CHANGES TO THE LAW,  
14 PARTICULARLY AB 59, AND OTHERS WERE HOUSEKEEPING  
15 ISSUES THAT WE HAD SITTING AROUND AND TOOK THIS  
16 OPPORTUNITY TO PUT THEM ON.

17 THE FIRST ISSUE BEFORE YOU IS POSING  
18 THE QUESTION WHO IS THE EA. THAT ISSUE REVOLVES  
19 AROUND THE QUESTIONS -- TWO QUESTIONS ACTUALLY.  
20 WHEN THE BOARD IS ACTING AS THE EA IN CONSIDERING  
21 PERMITS, DO THEY FOLLOW THE SAME VOTING STRUCTURE  
22 AS THEY DO ON ANY OTHER ACTION THAT THEY TAKE?

23 AND SECONDLY, CAN BOARD MEMBERS -- DO  
24 BOARD MEMBERS HAVE THE AUTHORITY TO PLACE  
25 CONDITIONS -- TERMS AND CONDITIONS ON PERMITS THAT



1 ARE BEFORE THEM AS THE EA?

2 STAFF'S ANALYSIS OF THESE ISSUES WITH  
3 RESPECT TO THE FIRST QUESTION AND THE VOTING  
4 STRUCTURE, THE LAW SPECIFICALLY REFERENCES THE  
5 BOARD AS THE EA IN ONLY A FEW INSTANCES, AND IT'S  
6 SILENT IN OTHER AREAS. AND THAT'S REALLY WHERE  
7 THE ISSUE COMES TO HEAD. BECAUSE IT'S SILENT, WE  
8 HAVE -- WE ARE NOT CLEAR ON CERTAIN ITEMS. SO OUR  
9 INTERPRETATION AND WHAT WE ATTEMPTED TO DO IS MAKE  
10 A BEST FIT TO THE SYSTEM THAT LEA'S FOLLOW, AND  
11 FOR THE LEA'S THE LAW IS MUCH CLEARER.

12 SO WHAT WE'VE TRIED TO DO IS PATTERN  
13 OUR PROGRAM AFTER THAT OF THE LEA'S. AND OUR FIX  
14 TO THE QUESTION IS TO DELEGATE AUTHORITY TO THE  
15 EXECUTIVE DIRECTOR TO ISSUE PERMITS. IN THIS WAY  
16 THE BOARD'S ROLE IS IDENTIFIED AS CONCURRING OR  
17 OBJECTING AS IT DOES WITH LEA'S. AND THEN AFTER A  
18 CONCURRENCE, THE EXECUTIVE DIRECTOR COULD ISSUE  
19 THE PERMIT.

20 WITH RESPECT TO THE PLACING OF CON-  
21 DITIONS, TERMS AND CONDITIONS, ON THE PERMIT,  
22 AGAIN, WE'RE SEEKING TO MIMIC THE LEA PROCESS.  
23 AND IN THAT REGARD THE BOARD IS NOT INVOLVED IN  
24 SETTING TERMS AND CONDITIONS OF THE PERMIT. SO  
25 ALTHOUGH WE HAVE IDENTIFIED THAT THE BOARD DOES





1 HAVE THE AUTHORITY, IT IS NOT CONSISTENT WITH THE  
2 PROCESS THAT WE'RE TRYING TO FOLLOW.

3 THE -- AND THE COMMITTEE'S ACTION WITH  
4 REGARD TO THIS ISSUE WAS TO DELEGATE MOST BOARD AS  
5 EA DUTIES AND RESPONSIBILITIES TO THE EXECUTIVE  
6 DIRECTOR WITH TWO EXCEPTIONS; THAT IS, THE FINAL  
7 APPROVAL OF LOCAL GOVERNING BODY AGREEMENTS AND  
8 THE AUTHORITY TO ADMINISTER THE HEARING PANEL,  
9 WHICH WILL ALLOW -- I'LL ADDRESS SHORTLY.

10 THE SECOND ISSUE THAT WE DISCUSSED IS  
11 THE EA DESIGNATION PROCESS. AS YOU MAY KNOW,  
12 LOCAL GOVERNING BODIES HAVE THE RIGHT TO WITHDRAW  
13 A DESIGNATION OF THEIR LOCAL ENFORCEMENT AGENCY AT  
14 ANY TIME. AND THAT HAS -- SOME HAVE ARGUED THAT  
15 SOME JURISDICTIONS, PARTICULARLY CITIES ARE USING  
16 THAT PROVISION IN THE LAW TO GET AWAY FROM SOME  
17 UNCOMFORTABLE SITUATIONS WITH THEIR LOCAL ENFORCE-  
18 MENT AGENCY. AND IF THE -- IF THERE IS A WITH-  
19 DRAWAL AND THE LOCAL GOVERNING BODY DOES NOT  
20 DESIGNATE A NEW AGENCY, THE BOARD TAKES OVER AS  
21 THE DEFAULT AGENCY.

22 SO THE COMMITTEE DIRECTED STAFF, IN  
23 THAT INSTANCE, TO SEEK SOME LEGISLATION, PERHAPS  
24 SOME REGULATION, THAT WILL SET UP A PROCESS, ADD  
25 SOME MORE PROCESS TO THE DEDESIGNATION PROCESS SO



1 THAT IT'S NOT SUCH AN EASY THING FOR THE LOCAL  
2 GOVERNING BODIES TO DO.

3 THE THIRD ISSUE WE DISCUSSED WAS THE  
4 QUESTION OF LOCAL CONTROL, AND IS THERE ANY LOSS  
5 OR GAIN OF LOCAL CONTROL WHEN THE BOARD ACTS AS  
6 EA. AND YOU CAN SEE FROM THE DISCUSSION, AND THE  
7 DETERMINATION IS THERE REALLY IS NO NET LOSS OR  
8 GAIN IN THE AMOUNT OF LOCAL CONTROL WHEN THE BOARD  
9 IS ACTING AS THE EA BECAUSE OF SOME OF THE PROCESS  
10 THAT'S SET UP WITHIN THAT.

11 THE FOURTH ISSUE HAS TO DEAL WITH THE  
12 AGREEMENTS WITH LOCAL GOVERNING BODIES. WE'RE  
13 CURRENTLY THE EA FOR FOUR JURISDICTIONS, AND WE DO  
14 NOT AS YET HAVE AN AGREEMENT. THERE WAS AN  
15 ATTEMPT EARLY ON IN LATE '92, EARLY '93 TO SET UP  
16 SOME AGREEMENTS WITH TWO OF THE COUNTIES WE'RE  
17 CURRENTLY ACTING AS EA FOR, AND WE WERE NOT  
18 SUCCESSFUL IN GETTING THOSE APPROVED.

19 THE AGREEMENTS ARE NOW MANDATED. AB  
20 59 ADDED SOME LANGUAGE TO THE LAW THAT NOW  
21 REQUIRES THOSE. IT GRANDFATHERS SOME OF THE  
22 EARLIER JURISDICTIONS. ANYTHING PRIOR TO JANUARY  
23 1 OF '95 IS GRANDFATHERED OUT.

24 SO THE QUESTION POSED TO THE COMMITTEE  
25 WAS SINCE THIS IS A NEW REQUIREMENT, REALLY THAT



1 WE WERE -- JUST ASK THE COMMITTEE WHAT LEVEL OF  
2 INVOLVEMENT THEY WISH TO HAVE. AND THE VOTE WAS  
3 TO DELEGATE TO STAFF THE DUTIES TO NEGOTIATE THE  
4 AGREEMENTS, BUT THAT THE COMMITTEE AND THE BOARD  
5 FELT THAT THEY WANTED TO APPROVE THE FINAL AGREE-  
6 MENTS.

7 ISSUES NO. 5 AND 6 DEAL WITH THE  
8 HEARING PANEL. WHEN THE BOARD IS THE ENFORCEMENT  
9 AGENCY, IF THEY WERE TO RECEIVE A REQUEST FOR --  
10 TO HEAR A PERMIT OR AN ENFORCEMENT ACTION BY THE  
11 HEARING PANEL, IT IS TO A HEARING PANEL THAT'S  
12 STRUCTURED BY THREE MEMBERS OF THE BOARD AS  
13 APPOINTED BY THE CHAIRPERSON OF THE BOARD.

14 THERE WAS SOME DISCUSSION ON THAT AND  
15 SOME CONFUSION, I MAY ADD, ON THAT HEARING PANEL  
16 PROCESS. AND THE COMMITTEE DIRECTED STAFF TO COME  
17 BACK AT A LATER DATE AND TO CLARIFY THAT CON-  
18 FUSION. AND WE'RE PREPARED TO DO THAT. RIGHT NOW  
19 WE'RE SCHEDULING THAT FOR OCTOBER.

20 THE SEVENTH ISSUE HAD TO DO WITH THE  
21 BOARD AS EA PERFORMANCE REVIEW OR EVALUATION, AND  
22 THAT WAS AN INFORMATIONAL ITEM. WE, AS PART OF  
23 THE FIRST GO-AROUND IN THE LEA EVALUATIONS  
24 PROCESS, OUR SISTER AGENCY OR SISTER SECTION  
25 EVALUATED THE ENFORCEMENT AGENCY SECTION, AND WE



1 WERE PLACED ON A WORK PLAN, WHICH WE SUCCESSFULLY  
2 IMPLEMENTED.

3 THE FINAL ISSUE HAS TO DO WITH THE  
4 REGISTRATION PERMIT ISSUANCE PROCEDURE. AS YOU  
5 KNOW, THE REGISTRATION PERMIT IS A PERMIT THAT IS  
6 ISSUED AT THE LOCAL LEVEL BY THE LOCAL ENFORCEMENT  
7 AGENCY AND DOES NOT COME TO THE BOARD FOR CON-  
8 CURRENCE AS DOES THE STANDARDIZED AND FULL PERMIT.  
9 SO THE QUESTION IS AT WHAT LEVEL OF APPROVAL DO WE  
10 WANT TO HAVE THAT FOR THE BOARD AS THE ENFORCEMENT  
11 AGENCY. THE COMMITTEE VOTED TO DELEGATE THAT  
12 AUTHORITY TO THE EXECUTIVE DIRECTOR.

13 AND TO CONCLUDE, I WOULD JUST STATE  
14 THAT THE PERMITTING AND ENFORCEMENT COMMITTEE  
15 VOTED THREE TO ZERO TO ADOPT RESOLUTION 96-260 AS  
16 AMENDED TO ADDRESS SOME OF THE DISCUSSIONS IN THE  
17 COMMITTEE WHICH DELEGATES MOST OF THE AUTHORITY  
18 FOR BOARD AS ENFORCEMENT AGENCY DUTIES AND RESPON-  
19 SIBILITIES TO THE EXECUTIVE DIRECTOR WITH THE  
20 EXCEPTION OF THE HEARING PANEL ADMINISTRATION AND  
21 APPROVAL OF THE -- APPROVAL OF THE LOCAL GOVERNING  
22 BODY AGREEMENTS.

23 CHAIRMAN PENNINGTON: OKAY. ANY QUESTIONS?

24 BOARD MEMBER CHESBRO: COMMENTS.

25 CHAIRMAN PENNINGTON: MR. CHESBRO.



1 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I  
2 AGREE WITH MOST OF THE RECOMMENDATIONS THAT THE  
3 COMMITTEE MADE TO THE BOARD ON THESE ITEMS. BUT  
4 WITH THE NOTABLE EXCEPTION OF NO. 1, THE DELE-  
5 GATION OF THE EA FUNCTION WHEN THE BOARD IS ACTING  
6 AS THE EA TO THE EXECUTIVE DIRECTOR. NOTHING  
7 PERSONAL. HAS TO DO WITH TWO THINGS. ONE IS IT'S  
8 A FAIRLY SIGNIFICANT FUNCTION THAT THE LEGISLATURE  
9 SPECIFICALLY HANDED US. I DON'T SEE IT AS A  
10 STRICTLY ADMINISTRATIVE FUNCTION.

11 AND SO IT'S HARD FOR ME TO STRETCH MY  
12 DEFINITION OF WHAT WOULD THERE BE AN EXPECTATION  
13 OF US DELEGATING TO INCLUDE OUR SERVING AS THE  
14 ENFORCEMENT AGENCY.

15 AND THE SECOND THING IS THAT IT REALLY  
16 SEEMS TO ME THAT IT'S NOT REALLY IN MOST PARTIES'  
17 INTEREST, THE APPLICANTS, THE LOCAL GOVERNMENTS,  
18 THE BOARD, TO HAVE VERY MANY OF THESE. I'M NOT  
19 REALLY TOO INTERESTED IN SEEING US BECOME A  
20 PATTERN WHERE WE HAVE A LOT OF LOCAL GOVERNMENTS  
21 DELEGATING UP TO THE STATE BOARD. AND IT SEEMS TO  
22 ME THAT GREASING THE SKIDS OR SMOOTHING THE  
23 PROCESS, WHICH IS THE WAY I PERCEIVE SUCH A DELE-  
24 GATION, REALLY REMOVES SOME OF THE DISINCENTIVE  
25 FOR LOCAL GOVERNMENTS TO CONSIDER THAT OR FOR



1 APPLICANTS TO LEA SHOP AND VIEW THE BOARD MAYBE AS  
2 PREFERABLE TO SOME LOCAL SITUATION THAT THEY DON'T  
3 LIKE. IT SEEMS TO ME THAT WE DON'T NECESSARILY  
4 WANT TO MAKE IT LESS PAINFUL TO HAVE THE BOARD  
5 SERVE AS THE LEA.

6 I'M NOT SUGGESTING THAT WE GO OUT OF  
7 OUR WAY TO MAKE IT EXTRAORDINARILY PAINFUL, BUT I  
8 DO THINK THAT WE'VE GOT A FUNCTION THAT THE  
9 LEGISLATURE HAS HANDED US, AND I DON'T REALLY  
10 THINK THAT IT SERVES THE SITUATION WELL FOR US TO  
11 ESSENTIALLY CREATE A GREATER INCENTIVE TO HAVE THE  
12 STATE SERVE IN THE LEA FUNCTION. SO I DO THINK  
13 THAT ALTERNATIVE 4 ON PAGE 97 INCORPORATES THE  
14 POSITION THAT I'M TAKING, AND I WOULD BE PREPARED  
15 TO SUPPORT THAT ONE, BUT AT THIS POINT I'M NOT  
16 PREPARED TO SUPPORT THE COMMITTEE'S RECOMMEN-  
17 DATION.

18 CHAIRMAN PENNINGTON: OKAY. I THINK, YOU  
19 KNOW, I WHOLEHEARTEDLY AGREE WITH YOU THAT WHEN  
20 THE LEGISLATURE MANDATES A RESPONSIBILITY TO US,  
21 THAT WE SHOULD NOT DELEGATE IT. I FEEL VERY  
22 STRONG THAT IT'S FAR TOO EASY FOR A BOARD LIKE  
23 OURS TO DELEGATE OUR RESPONSIBILITY, AND THAT IS  
24 INAPPROPRIATE FOR US TO DO.

25 I THINK ONE THING I WOULD POINT OUT,



1     THOUGH, IS THAT I THINK DURING OUR DISCUSSION IN  
2     COMMITTEE LEVEL, THE REASON THAT WE WENT AHEAD  
3     WITH THE IDEA TO DELEGATE THIS PARTICULAR RESPON-  
4     SIBILITY WAS FOR THE ABILITY TO HAVE AN APPEAL.  
5     IT'S KIND OF HARD TO APPEAL TO YOURSELF. THE --  
6     SO WE THOUGHT THAT THE EXECUTIVE DIRECTOR COULD  
7     MAKE THE FIRST DECISIONS AND ALLOW US TO THEN SIT  
8     AS AN APPEAL BOARD IF THERE IS A FURTHER DIS-  
9     AGREEMENT ON ISSUES OR THE EA POSITION; IS THAT  
10    NOT CORRECT?

11       MS. RICE: IN ADDITION, I DON'T KNOW IF  
12    THIS IS OF ASSISTANCE, BUT CLEARLY WHEN THE BOARD  
13    IS THE EA, YOU ARE ALSO STILL THE BOARD. AND SO  
14    THERE IS A POINT WHERE YOU ARE ASKED TO CONCUR OR  
15    OBJECT TO THE PERMIT. SO ALL STAFF IS SUGGESTING  
16    BY WAY OF A RECOMMENDATION THAT WE HAVE PUT  
17    FORWARD WITH THE COMMITTEE'S CONCURRENCE IS  
18    ACTUALLY A PROCESS THAT MIRRORS HOW YOU'VE HANDLED  
19    THESE PERMITS TO DATE WHERE STAFF ESSENTIALLY  
20    COMES FORWARD, AS THEY HAVE WOULD ON ANY OTHER  
21    PERMIT, WITH THE SLIGHT DIFFERENCE THAT THEY  
22    ACTUALLY WORKED ON THE PERMIT THEMSELVES, AND  
23    THEY'RE PRESENTING IT TO YOU AS ESSENTIALLY AN LEA  
24    WOULD HAVE BROUGHT A PERMIT TO US. AND YOU HEAR  
25    THAT INFORMATION AND EVENTUALLY A RECOMMENDATION



1 TO CONCUR OR OBJECT.

2 SO WE WERE TRYING TO ACCOMPLISH TWO  
3 THINGS. MIRROR A PROCESS THAT'S BEEN FUNCTIONING  
4 FAIRLY WELL TO DATE AND ALSO TRY, TO THE EXTENT  
5 POSSIBLE, TO HAVE THE PROCESS MIRROR HOW IT LOOKS  
6 WHEN THE LEA AND THE BOARD INTERACT SO THAT IT'S  
7 NOT VERY, VERY DIFFERENT BECAUSE WHILE THE LAW  
8 PROVIDES VERY LITTLE GUIDANCE TO US ON HOW THE EA  
9 RELATIONSHIP SHOULD LOOK, IT DID SEEM THAT THERE  
10 WAS SOME EQUITY INVOLVED IN HAVING THE PERMITS  
11 TREATED SOMEWHAT SIMILARLY IN THE TWO INSTANCES.

12 CHAIRMAN PENNINGTON: OKAY. ANY OTHER  
13 DISCUSSION?

14 BOARD MEMBER FRAZEE: JUST WONDERING  
15 PROCEDURALLY, THE COMMITTEE ADOPTED THIS. DID  
16 WE -- I THOUGHT WE PLACED IT ON THE CONSENT  
17 CALENDAR.

18 CHAIRMAN PENNINGTON: MR. CHESBRO PULLED IT  
19 OFF.

20 BOARD MEMBER FRAZEE: IT WAS PULLED OFF,  
21 AND SO WE NEED TO TAKE A VOTE ON THAT.

22 CHAIRMAN PENNINGTON: YEAH, RIGHT.

23 BOARD MEMBER FRAZEE: SEPARATE VOTE.

24 CHAIRMAN PENNINGTON: A SEPARATE VOTE ON :-

25 BOARD MEMBER FRAZEE: ON ADOPTION.





1 CHAIRMAN PENNINGTON: OH, YEAH. SO

2 CORRECT.

3 BOARD MEMBER RELIS: SO IF I UNDERSTAND IT,

4 THE ONLY ISSUE IS CONCERNING NO. 1, THAT

5 RECOMMENDATION? YOU AGREE WITH THE OTHERS?

6 BOARD MEMBER CHESBRO: I AGREE WITH THE

7 OTHERS.

8 CHAIRMAN PENNINGTON: OKAY. WELL, I GUESS

9 WE'RE PREPARED FOR SOME - -

10 BOARD MEMBER FRAZEE: MOVE ADOPTION OF

11 RESOLUTION 96-260.

12 CHAIRMAN PENNINGTON: DO I HAVE A SECOND

13 FOR THAT?

14 BOARD MEMBER RELIS: SECOND.

15 CHAIRMAN PENNINGTON: ANY FURTHER

16 DISCUSSION? IT'S BEEN MOVED AND SECONDED. WILL

17 THE SECRETARY CALL THE ROLL.

18 BOARD SECRETARY: BOARD MEMBER CHESBRO.

19 BOARD MEMBER CHESBRO: NO.

20 BOARD SECRETARY: FRAZEE.

21 BOARD MEMBER FRAZEE: AYE.

22 BOARD SECRETARY: GOTCH.

23 BOARD MEMBER GOTCH: AYE.

24 BOARD SECRETARY: RELIS.

25 BOARD MEMBER RELIS: AYE.



1 BOARD SECRETARY: CHAIRMAN PENNINGTON.

2 CHAIRMAN PENNINGTON: AYE. MOTION IS

3 APPROVED.

4 OKAY. WE MOVE ON TO ITEM 25, CONSID-

5 ERATION OF CONCURRENCE IN THE ISSUANCE OF A RE-

6 VISED SOLID WASTE FACILITY PERMIT FOR THE L AND D

7 LANDFILL, SACRAMENTO COUNTY.

8 MS. RICE: JOHN WHITEHILL WILL PRESENT THIS

9 ITEM FOR STAFF.

10 MR. WHITEHILL: GOOD MORNING, MR. CHAIRMAN

11 AND MEMBERS OF THE BOARD. THE L AND D LANDFILL IS

12 AN EXISTING PERMITTED LANDFILL LOCATED IN THE CITY

13 OF SACRAMENTO ON FRUITRIDGE ROAD BETWEEN WATT

14 AVENUE AND FLORIN-PERKINS ROAD.

15 THE LEA PROPOSES TO REVISE THE PERMIT

16 TO ALLOW AN INCREASE IN THE PERMITTED DAILY TON-

17 NAGE, TO LATERALLY EXPAND THE PERMITTED DISPOSAL

18 AREA, TO EXPAND THE OVERALL SITE ACREAGE, INCREASE

19 THE HOURS OF OPERATION TO ALLOW THE FACILITY TO BE

20 OPERATED ON SATURDAYS, AND TO OPERATE AN ON-SITE

21 MATERIALS RECOVERY FACILITY.

22 IN SUMMARY, THE LEA AND BOARD STAFF

23 HAVE DETERMINED THE FOLLOWING: THAT THE LEAD

24 AGENCY HAS COMPLIED WITH THE REQUIREMENTS OF THE

25 CALIFORNIA ENVIRONMENTAL QUALITY ACT, THAT THE



1 PROPOSED PERMIT IS CONSISTENT WITH THE STANDARDS  
2 ADOPTED BY THE BOARD, THE FACILITY IS IN CONFORM-  
3 ANCE WITH THE SACRAMENTO CITY AND COUNTY GENERAL  
4 PLAN, THE LANDFILL AND LATERAL EXPANSION ARE BOTH  
5 IDENTIFIED IN THE SACRAMENTO COUNTY SOLID WASTE  
6 MANAGEMENT PLAN.

7 AT THE PERMITTING AND ENFORCEMENT  
8 COMMITTEE MEETING, THERE WAS ONE OUTSTANDING  
9 ISSUE, AND THAT WAS THAT THE PROPOSED MRF WAS NOT  
10 IDENTIFIED IN THE SACRAMENTO COUNTY SOLID WASTE  
11 MANAGEMENT PLAN. HOWEVER, THE LOCAL TASK FORCE  
12 HAS SINCE MET AND REVIEWED THE MRF IDENTIFICATION  
13 AND DESCRIPTION AND PROVIDED WRITTEN COMMENTS  
14 PURSUANT TO THE PRC 50000(A)(4). THEREFORE, STAFF  
15 HAS COMPLETED ITS REVIEW OF THE PROPOSED PERMIT  
16 AND SUPPORTING DOCUMENTATION, FOUND THEM TO BE  
17 ACCEPTABLE. STAFF WILL RECOMMEND THAT BOARD ADOPT  
18 RESOLUTION NO. 96-323, CONCURRING IN THE ISSUANCE  
19 OF SOLID WASTE FACILITIES PERMIT NO. 34-AA-0020.

20 I BELIEVE JIM CERNAK REPRESENTING THE  
21 LEA IS PRESENT AND ALSO MIKE LIEN REPRESENTING  
22 L AND D LANDFILL, INCORPORATED, ARE HERE TO ANSWER  
23 YOUR QUESTIONS IF YOU HAVE ANY.

24 CHAIRMAN PENNINGTON: DOES THE LEA HAVE  
25 ANYTHING THAT THEY WISH TO ADD?



1 MR. CERNAK: NOTHING TO ADD AT THIS TIME.

2 CHAIRMAN PENNINGTON: ANY QUESTIONS OF THE  
3 STAFF OR THE LEA? IF NOT, MIKE LIEN IS HERE.

4 MR. LIEN: GOOD MORNING, CHAIRMAN  
5 PENNINGTON, MEMBERS OF THE BOARD. I'D LIKE TO --  
6 MIKE LIEN, L AND D LANDFILL. COUPLE OF QUICK  
7 WORDS. ONE, WE'D LIKE TO THANK BOTH THE STAFF AND  
8 THE LEA, PARTICULARLY JOHN WHITEHALL FOR HIS  
9 EFFORTS ON OUR BEHALF. AND ANSWER ANY QUESTIONS  
10 IF YOU HAVE ANY.

11 CHAIRMAN PENNINGTON: ANY QUESTIONS OF MR.  
12 LIEN? IF NOT, PREPARED TO --

13 BOARD MEMBER FRAZEE: MOVE ADOPTION OF  
14 RESOLUTION 96-323.

15 BOARD MEMBER RELIS: SECOND.

16 CHAIRMAN PENNINGTON: SECOND. IT'S MOVED  
17 AND SECONDED. ANY FURTHER DISCUSSION? IF NOT,  
18 WILL THE SECRETARY CALL THE ROLL.

19 BOARD SECRETARY: BOARD MEMBER CHESBRO.

20 BOARD MEMBER CHESBRO: AYE.

21 BOARD SECRETARY: FRAZEE.

22 BOARD MEMBER FRAZEE: AYE.

23 BOARD SECRETARY: GOTCH.

24 BOARD MEMBER GOTCH: AYE.

25 BOARD SECRETARY: RELIS.



1 BOARD MEMBER RELIS: AYE.

2 BOARD SECRETARY: CHAIRMAN PENNINGTON.

3 CHAIRMAN PENNINGTON: AYE. MOTION CARRIES.

4 BOARD MEMBER CHESBRO: I WOULDN'T MIND IF

5 HE HAD TO VOTE FIRST ONCE IN A WHILE.

6 CHAIRMAN PENNINGTON: OKAY. ITEM 26,

7 CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A

8 STANDARDIZED COMPOSTING PERMIT FOR THE POTRERO

9 HILLS LANDFILL COMPOST FACILITY IN SOLANO COUNTY.

10 MS. RICE: RUSS KANZ WILL MAKE THIS

11 PRESENTATION FOR STAFF.

12 MR. KANZ: GOOD MORNING. POTRERO HILLS

13 LANDFILL HAS SUBMITTED AN APPLICATION FOR A

14 STANDARDIZED COMPOSTING PERMIT FOR COMPOSTING

15 GREEN WASTE, WOODWASTE, AND MANURES FROM HORSE

16 STABLES. THE FACILITY WILL BE LOCATED AT THE

17 POTRERO HILLS LANDFILL AND WILL HAVE A MAXIMUM

18 60,000 CUBIC YARDS OF ACTIVE COMPOST ON SITE.

19 THE COMPOSTING WILL TAKE PLACE AT TWO

20 LOCATIONS WITHIN THE BOUNDARIES OF THE LANDFILL.

21 PHASE I OPERATIONS WILL OCCUR NEAR THE ENTRANCE TO

22 THE LANDFILL. PHASE II OPERATIONS WILL MOVE TO

23 THE TOP OF THE LANDFILL OVER WASTE. A MINIMUM OF

24 3 FEET OF COMPACTED SOIL WILL BE PLACED ON TOP OF

25 THE LANDFILL CAP PRIOR TO COMPOSTING. TOTAL OF 18



1 ACRES WILL BE USED FOR COMPOSTING.

2 THE WINDROW METHOD OF COMPOSTING WILL  
3 BE USED. WATER FROM THE RUNOFF RETENTION PONDS,  
4 SEDIMENT CONTROL BASINS, STOCK WATER POND, AND  
5 WATER FROM THE CITY OF SUISUN WILL BE APPLIED WITH  
6 A WATER TRUCK TO MAINTAIN 40 TO 60 PERCENT  
7 MOISTURE. FINISHED COMPOST WILL BE CURED FOR 13  
8 WEEKS UNTIL IT IS REMOVED FROM THE SITE.

9 THE LEA AND BOARD HAVE DETERMINED THAT  
10 THE FACILITY DESCRIPTION WAS SUBMITTED TO THE  
11 LOCAL TASK FORCE, THAT THE PROJECT IS CONSISTENT  
12 WITH THE SOLANO COUNTY GENERAL PLAN, THE PROJECT  
13 IS CONSISTENT WITH THE WASTE DIVERSION GOALS OF AB  
14 939, AND THAT CEQA HAS BEEN COMPLIED WITH.

15 AFTER REVIEWING THE APPLICATION AND  
16 PROPOSED PERMITS, STAFF RECOMMEND THAT THE BOARD  
17 ADOPT SOLID WASTE FACILITIES PERMIT DECISION NO.  
18 96-363, CONCURRING IN THE ISSUANCE OF SOLID WASTE  
19 FACILITIES NO. 47-AA-0084.

20 KEVIN CULLEN WITH SOLANO COUNTY LEA IS  
21 PRESENT, AND I BELIEVE LARRY BURCH WITH POTRERO  
22 HILLS LANDFILL IS ALSO PRESENT.

23 CHAIRMAN PENNINGTON: LET'S SEE. ANY  
24 QUESTIONS OF STAFF? THE LEA HAVE ANY COMMENTS  
25 THEY WISH TO MAKE?



1 MR. CULLEN: NO COMMENTS.

2 CHAIRMAN PENNINGTON: OKAY. THE OWNER AND  
3 OPERATOR HAVE ANY COMMENTS? OKAY. WE HAVE --

4 MR. BURCH: IF WE COULD FOLLOW MRS.  
5 BONNICI'S PRESENTATION, WE'D APPRECIATE THAT.

6 CHAIRMAN PENNINGTON: MRS. BONNICI. YOU'RE  
7 ON.

8 MRS. BONNICI: JUNE BONNICI, 3703 SKELLY  
9 ROAD IN SUISUN, CALIFORNIA. AND THANK YOU FOR  
10 HEARING ME TODAY.

11 I HAD SUBMITTED A LETTER, AND MY MAIN  
12 CONCERN WAS TO ASK THIS BOARD AND ALL STATE AND  
13 FEDERAL BRANCHES TO MONITOR AND TO CONTINUE  
14 PLANNING ON THIS LANDFILL. FOR THE FIRST TIME  
15 THIS MORNING I SAW THE LITTER CONTROL, THAT THE  
16 LITTER -- THIS IS IN YOUR -- THE REPORT OF THE  
17 COMPOSTING SITE INFORMATION, JANUARY 1994, REVISED  
18 IN APRIL OF 1996. I WOULD LIKE THIS, WHAT I'M  
19 SPEAKING, TO BE ADDED TO THE MINUTES AND TO MY  
20 LETTER TODAY ALSO. THANK YOU.

21 CHAIRMAN PENNINGTON: IT WILL BE.

22 MRS. BONNICI: IN YOUR REPORT -- IN YOUR  
23 REPORT THAT I SAW FOR THE FIRST TIME TODAY, I WENT  
24 OVER IT REALLY BRIEFLY, AND IT STATES ON PAGE 85  
25 THAT THE LITTER CONTROL WILL BE POLICED AND



1 REMOVED FROM THE FACILITY PARAMETER AT LEAST  
2 WEEKLY OR MORE FREQUENTLY, AND IT'S GOING TO BE  
3 MONITORED BY THE LANDFILL THEMSELVES.

4 IT'S ALSO LIKE IN THE FIRE PROTECTION.  
5 MY CONCERN IS GREATLY ON A FIRE THREAT. AS FAR AS  
6 THE COMPOST THAT'S BEING BROUGHT IN, THAT ON A  
7 FIRE BEING BACK IN THE CANYON. I HAVE A DIFFICULT  
8 TIME RIGHT NOW WITH THEM JUST SUBLEASING TO THE  
9 FIRE DEPARTMENT AND THE POLICE DEPARTMENT DRIVING  
10 AN EASEMENT THAT THEY DON'T OWN WITH A CADILLAC  
11 (SIC) CONVERTER. FIRE TO THE FARMLAND IS A BIG  
12 PROBLEM.

13 I ALSO WOULD LIKE TO GO BACK TO THE  
14 LITTER BEFORE I GO INTO THE DUST AND ODOR THAT  
15 WILL COME FROM THIS COMPOSTING. BECAUSE THE  
16 LANDFILL CONTINUES TO MONITOR AND POLICE THEM-  
17 SELVES, I DON'T HAVE THE ANSWER, BUT FROM THE  
18 PLASTIC BAGS ALONE, MAYBE THROUGH CONTINUAL  
19 PLANNING, WE NEED TO DO AWAY WITH THEM. WE NEED  
20 TO TAKE THEM OUT OF THE GROCERY STORES.

21 I HAVE BROUGHT SOME PICTURES TO SHOW  
22 YOU BECAUSE I CANNOT BRING YOU IN ODOR. I CANNOT  
23 BOTTLE UP ODOR THAT'S GOING TO COME OFF OF THIS,  
24 SO I BROUGHT PICTURES IN.

25 IT STATES IN THEIR REPORT THAT THEY





1 HAVE TO YOU THAT THERE IS NO LITTER PROBLEM. AND  
2 OBVIOUSLY IT STATES ON PAGE 90 UNDER NUISANCE  
3 CONTROL I'M NOT DOING MY JOB BECAUSE THE OPERATORS  
4 AT THE LANDFILL HAVE NOT BEEN ANY SOURCE OF CON-  
5 CERN OF COMPLAINTS OF NEIGHBORS. IT STATES IT  
6 RIGHT ON PAGE 90 UNDER NUISANCE. NOBODY IS COM-  
7 PLAINING. SO OBVIOUSLY I'M NOT REACHING A LEVEL  
8 THAT NEEDS TO BE TO HAVE MY PROBLEMS TAKEN CARE  
9 OF.

10 I PAY MY TAXES FOR FARMLAND. IN MY  
11 LETTER I SUBMITTED TO YOU TODAY, IT'S YOUR JOB TO  
12 PROTECT THE WETLANDS AND THE MARSH. AND I ASK  
13 THIS OF YOU. I ASK THAT CERTAIN THINGS BE  
14 STRICKEN FROM THE PERMIT IF YOU GRANT IT TODAY.

15 ON PAGE 13 I DON'T BELIEVE ON 1(C)5,  
16 FEEDSTOCK MATERIAL TYPE, THE POTW SLUDGE IS TO BE  
17 TAKEN OUT OF THE PERMIT BECAUSE IT'S HAZARDOUS  
18 WASTE. IT STATES IN THERE THAT IT COULD BE IN  
19 THERE IN THE FUTURE. AT THE TIME THAT IT GOES TO  
20 BE IN THERE, IT NEEDS TO BE REEVALUATED OF THE  
21 IMPACT OF IT.

22 THE DUST CONTROL, RIGHT NOW WITH THE  
23 DUST THAT'S COMING OFF OF MY PROPERTY, IT'S  
24 UNREAL. SUPPOSEDLY WITH THE WATER, THAT'S GOING  
25 TO BE CHANGING ANY SCREENS, THAT IT WON'T BE A



1 PROBLEM. I FEEL THAT IT IS GOING TO BE A BIG  
2 PROBLEM. THE DUST CONTROL WATER REQUIREMENTS WILL  
3 NOT MEET USING ON-SITE POND WATER AND WATER  
4 TRUCKS. THEY'RE GOING FROM THE SUISUN. I'M  
5 READING OVER MY NOTES. I'M SORRY.

6 I FEEL MORE ATTENTION NEEDS TO GO ON  
7 THE WATER. THEY DON'T WATER. THEY'RE NOT DOING  
8 WHAT THEY'RE SUPPOSED TO BE DOING OR I WOULDN'T  
9 HAVE DUST AT THE LEVEL THAT I HAVE AT IT, AND  
10 THAT'S BEFORE YOU ISSUE THIS PERMIT.

11 THE SMELL IS A CONCERN. THE SPILLAGE  
12 THAT'S GOING TO BE COMING IN FROM THE GROUNDWATER  
13 MONITORING. APPENDIX D, THEY HAVE STATED THAT  
14 THEY'D PUT UP A BOND. THERE SHOULDN'T BE ANY BOND  
15 PUT UP. THEY SHOULD JUST FIX THE PROBLEM. LET IT  
16 BE -- WHATEVER DAMAGE IS DONE, THERE ISN'T -- A \$2  
17 MILLION BOND ISN'T GOING TO CUT IT BECAUSE RIGHT  
18 NOW ON THE ISSUES THAT WE -- THEY HAVE BEFORE  
19 THEM, THEY CAN'T EVEN FIND THE PROBLEM OR FIX IT  
20 ON LEAKAGE, LET IT INTO THE GROUNDWATER OR ANY  
21 PROBLEMS THAT ARISE.

22 PAGE 91 THEY STATE ON 3(F) 8(B),  
23 OFF-SITE ACCESS, THAT THERE IS NO -- THAT THERE IS  
24 AN ALL WEATHER ROAD. THERE IS NO ALL WEATHER ROAD  
25 GOING IN.



1           SEE IF I'VE COVERED EVERYTHING.  
2           CREATE A PUBLIC NUISANCE. PAGE 84 NOISE. IT  
3           STATES THAT THEY SHOULD NOT CREATE A PUBLIC  
4           NUISANCE. THE SITE IS AWAY FROM THE PUBLIC. I AM  
5           THE PUBLIC. I DO LIVE THERE.

6           THE BEEPERS ON THE TRACTOR ALONE ARE  
7           ENOUGH, SO THE COMPOSTING THAT'S COMING IN IS A  
8           NUISANCE. THE DUST, WHO WILL ENFORCE IT ON THE  
9           WIND?

10          I ASK FOR YOU TO POLICE THEM. I ASK  
11          FOR YOU, AS THIS COMMISSION, TO PROTECT THE WET-  
12          LANDS, THE MARSH. AND I HAVE STATED THAT IT WAS  
13          UNDER THE NATIONAL INTEREST OF THE LEGISLATOR THAT  
14          IT WAS A FRAGILE ECOLOGICAL SYSTEM, TO PROTECT THE  
15          WETLANDS, AND I ASK YOU TO DO THAT. THANK YOU.

16          CHAIRMAN PENNINGTON: THANK YOU. ANY  
17          QUESTIONS?

18          BOARD MEMBER CHESBRO: QUESTION FOR STAFF,  
19          MR. CHAIRMAN.

20          CHAIRMAN PENNINGTON: GO AHEAD, MR.  
21          CHESBRO.

22          BOARD MEMBER CHESBRO: A NUMBER OF THE  
23          THINGS THAT HAVE BEEN MENTIONED, IT SEEMS TO ME,  
24          RELATE TO QUESTIONS OF COMPLIANCE WITH STATE  
25          STANDARDS OF THE EXISTING FACILITY. THINGS SUCH



1 AS LITTER AND DUST. AND I BELIEVE THAT -- I'M  
2 SORRY. WHAT'S YOUR NAME AGAIN?

3 MRS. BONNICI : JUNE BONNICI.

4 BOARD MEMBER CHESBRO: MRS. BONNICI MOSTLY  
5 HAS ADDRESSED EXISTING CONDITIONS, AND SO I GUESS  
6 WHAT I WOULD ASK IS WHETHER OR NOT THERE'S --  
7 THEY'RE NOT REALLY DIRECTLY RELATED TO THE PERMIT  
8 BEFORE US, WHICH IS A NEW ACTIVITY, BUT WHETHER OR  
9 NOT THERE ARE -- THAT ON A SEPARATE LEVEL IS BEING  
10 MONITORED OR LOOKED AT RELATIVE TO ASSURING THAT  
11 COMPLIANCE WITH STATE STANDARDS ARE HAPPENING AT  
12 THE LANDFILL. THAT WOULD BE THE ISSUE.

13 AND AGAIN, WE CAN'T MAKE THE PERMIT  
14 DECISION BASED ON THAT, BUT IT WOULD BE NICE TO  
15 HAVE ASSURANCE THAT COMPLAINTS ARE RESPONDED TO  
16 RELATIVE TO THE CONDITIONS AT THE LANDFILL. I  
17 GUESS I'M DIRECTING THAT TO THE LEA.

18 MRS. BONNICI: THAT WOULD BE MY POINT IS  
19 THAT THIS IS HAPPENING. THIS IS REALITY. THIS IS  
20 HAPPENING TODAY. I CANNOT EVEN PAY MY TAXES  
21 BECAUSE -- THIS IS FARMLAND AND IT'S SUPPOSED TO  
22 BE TOP PRIORITY IN THE MARSH; BUT BECAUSE OF THE  
23 LITTER ALONE, THAT HOW DO YOU EXPECT TO GIVE A  
24 PERMIT TODAY THAT'S PREMATURE, THAT THEY DON'T  
25 HAVE A ROAD, THEY'RE NOT COMPLYING TO THEIR WATER,



1 THEY'RE NOT RUNNING THE WATER TANK. THERE'S DUST  
2 ALL OVER. THERE'S LITTER. WHAT'S IT GOING TO BE  
3 LIKE WHEN THE NINE CITIES COME IN?

4 I MEAN THAT IS TWO CITIES COMING IN.  
5 WHAT IS IT GOING TO BE LIKE WHEN THEY START  
6 BRINGING ALL THIS IN? THE SLUDGE IS GOING TO BE  
7 LEAKING. THE GARBAGE TRUCKS COME AROUND THE  
8 CORNER AT THE MAILBOXES. THEY'RE TALKING IN THE  
9 BOOK THERE'S LIKE 50 PERCENT IS GOING TO WATER AND  
10 SLUDGE. THIS IS DRIPPING THROUGH THE MARSH. I'M  
11 ASKING FOR MORE LONG-TERM PLANNING FROM THIS  
12 DEPARTMENT BEFORE PERMITS ARE GIVEN.

13 CHAIRMAN PENNINGTON: PERHAPS THE LEA COULD  
14 RESPOND TO MR. CHESBRO'S QUESTION.

15 MRS. BONNICI: THANK YOU.

16 MR. CULLEN: GOOD MORNING. MY NAME IS  
17 KEVIN CULLEN, AND I'M AN ENVIRONMENTAL ENGINEER  
18 FOR SOLANO COUNTY'S LOCAL ENFORCEMENT AGENCY. WE  
19 HAVE BEEN INSPECTING POTRERO HILLS ON A MONTHLY  
20 BASIS, AND THERE ARE SOME LITTER PROBLEMS ASSO-  
21 CIATED WITH THE SITE. BUT THE OPERATOR MAKES A  
22 CONCERTED EFFORT TO PUT UP STRATEGICALLY LOCATED  
23 LITTER FENCES, AND THEY ALSO HAVE WATER TRUCKS  
24 RUNNING ON A CONSTANT BASIS.

25 THERE IS A COMMUNICATION PROBLEM



1 CURRENTLY BETWEEN MS. JUNE BONNICI AND THE  
2 OPERATOR, WHICH WE HAVE TO WORK ON TO CLEAR UP.  
3 JUNE IS NOT ALLOWING THE OPERATOR TO ACCESS HER  
4 PROPERTY. AND WITHOUT ACCESS TO HER PROPERTY,  
5 THEY CAN'T PICK UP ANY LITTER THAT MIGRATES OVER  
6 AND ONTO HER PROPERTY. SO WE'RE WORKING RIGHT NOW  
7 WITH THE OPERATOR AND MS. BONNICI TO SOLVE THAT  
8 PROBLEM.

9 BOARD MEMBER CHESBRO: ARE THERE TECHNIQUES  
10 SUCH AS LITTER FENCING THAT COULD PREVENT THE  
11 LITTER GETTING ON HER PROPERTY IN THE FIRST PLACE?

12 MR. CULLEN: WELL, THEY HAVE JUST PROCURED  
13 A LOT OF ADDITIONAL FENCING, AND I THINK THAT  
14 THERE ARE ADDITIONAL MEASURES THAT ARE GOING TO BE  
15 TAKEN TO REDUCE THE AMOUNT OF LITTER THAT GETS  
16 OVER TO JUNE'S PROPERTY. BUT LIKE SHE SAID, THESE  
17 PLASTIC BAGS THAT ARE GIVEN OUT AT THE GROCERY  
18 STORE ARE A REAL PROBLEM. THEY'RE LIKE SMALL  
19 PARACHUTES, AND THEY CAN GET INTO A THERMOGLIDE  
20 AND HEAD WAY UP INTO THE AIR.

21 AND I DON'T KNOW WHAT THE OPERATOR CAN  
22 DO IN CERTAIN CONDITIONS TO STOP THAT FROM  
23 HAPPENING. BUT I DO KNOW THAT WE'RE WATCHING  
24 THEM, AND I BELIEVE THAT THEY'RE TAKING -- MAKING  
25 A LOT OF CONCERTED EFFORT TO STOP THAT LITTER FROM



1 GETTING OVER ONTO HER PROPERTY.

2 BOARD MEMBER RELIS: MR. CHAIR.

3 CHAIRMAN PENNINGTON: YES.

4 BOARD MEMBER RELIS: HAVE YOU SEEN THE

5 PICTURES THAT WERE PASSED OUT?

6 MR. CULLEN: YES.

7 BOARD MEMBER RELIS: NOW, ARE THOSE

8 PICTURES ON HER PROPERTY?

9 MR. CULLEN: YES, I BELIEVE THEY ARE.

10 BOARD MEMBER RELIS: SO WHAT YOU ARE SAYING

11 IS THAT SHE WILL NOT ALLOW THEM ACCESS TO CLEAN UP

12 THAT?

13 MR. CULLEN: CORRECT. THAT'S THE CURRENT

14 CONDITION.

15 BOARD MEMBER RELIS: SO THEY HAVE OFFERED

16 TO GO IN AND PICK UP THE BAGS AND --

17 MR. CULLEN: OH, YES.

18 BOARD MEMBER RELIS: -- AND THE IMAGES

19 WE'VE SEEN.

20 MR. CULLEN: YES. THEY WANT TO GET OVER

21 THERE TO PICK UP THAT LITTER.

22 MRS. BONNICI: EXCUSE ME. MAY I SPEAK TO

23 THAT?

24 CHAIRMAN PENNINGTON: SURE.

25 MRS. BONNICI: FOR 11 YEARS I HAVE DEALT



1 WITH THIS LITTER PROBLEM. THEY HAVE COME ON. I  
2 HAVE CHARGED THEM NOTHING. THEY COME ON TO PICK  
3 IT UP. ALL I ASK OF THEM IS CAN YOU PLEASE CALL  
4 MY HOUSE AND STATE THAT YOU'RE GOING TO PICK UP  
5 LITTER.

6 MY GRANDDAUGHTER, SHE HAS CALLED THE  
7 POLICE ON THEM BECAUSE SHE GETS SCARED. MY  
8 GRANDDAUGHTER TURNS THE DOGS ON THEM. SHE'S EIGHT  
9 YEARS OLD NOW; BUT WHEN IT STARTED, IT SCARED HER  
10 VERY MUCH, AND IT WAS A PROBLEM. THEY WOULD NOT  
11 EVEN HAVE THE COURTESY. TODAY I TELL THEM THEY  
12 WILL NOT COME ON HERE ANY LONGER. YOU NEED TO  
13 TAKE CARE OF THE PROBLEM OUTSIDE MY FENCE LINE.  
14 AND IF IT MEANS MORE PLANNING FROM THEIR DEPART-  
15 MENT OR WHATEVER IT TAKES, I WANT TO SEE IT COR-  
16 RECTED ON THE OTHER SIDE OF THE FENCE.

17 BOARD MEMBER RELIS: BUT YOU UNDERSTAND --

18 MRS. BONNICI: I UNDERSTAND TO PAY MY  
19 TAXES, I HAVE TO LET THEM COME ON. AND IT'S ON MY  
20 DAYS OFF OR THREE DAYS A WEEK TO HAVE EIGHT, TEN  
21 MEN WITH ORANGE JACKETS ON AND, SAY, YOUR DAUGHTER  
22 WANTS TO LAY OUT IN THE SUN. IT'S MY PRIVACY.  
23 AND I AM -- I'M TIRED OF IT. SO AS OF TODAY UNTIL  
24 THEY GET THEIR 404 PERMIT FROM THE CORPS OF  
25 ENGINEERS, NO ONE IS COMING ON THIS PROPERTY TO





1 PICK UP.

2 I'VE HAD -- WITH THE COUNTY OF SOLANO,  
3 WITH THE LANDFILL, WITH THE ILLEGAL DUMPING, AND  
4 EVERYTHING THAT'S GOING ON THERE. I'VE HAD IT.  
5 AND I'M ASKING THIS BOARD TO GIVE ATTENTION BEFORE  
6 YOU ISSUE ANOTHER PERMIT THAT THEY HAVE NO ACCESS,  
7 NO MARSH PERMIT, AND IT'S ILLEGALLY OPERATING.  
8 THANK YOU.

9 CHAIRMAN PENNINGTON: THANK YOU. ANY OTHER  
10 QUESTIONS OF THE LEA? DID THE OPERATOR WISH TO  
11 SPEAK?

12 MR. BURCH: MR. CHAIRMAN, MEMBERS OF THE  
13 BOARD, MY NAME IS LARRY BURCH. I AM THE DIRECTOR  
14 OF ENVIRONMENTAL MANAGEMENT FOR POTRERO HILLS  
15 LANDFILL, AND I DO HAVE A LIST I WOULD LIKE TO  
16 PASS OUT OF THE CONCERNS THAT SHE HAS EXPRESSED IN  
17 THE PAST, AND SHE HAS EXPRESSED THEM AGAIN TODAY.

18 FROM THE DISCUSSION BY MRS. BONNICI  
19 THIS MORNING, I THINK THAT MANY OF THE ISSUES THAT  
20 SHE HAS RAISED IS NOT PERTINENT TO THE PERMIT THAT  
21 YOU'RE CONSIDERING THIS MORNING, BUT I BELIEVE OUR  
22 CREDIBILITY IS BEING CHALLENGED, AND I'D LIKE TO  
23 ADDRESS THAT.

24 THE LANDFILL IS NOT A BRAND NEW  
25 LANDFILL. WE'VE BEEN IN OPERATION FOR TEN YEARS.



1 WE'VE BEEN COMPOSTING AT ONE TON PER WEEK SINCE  
2 1990. THAT'S UNDER THE EXISTING PERMIT THAT WAS  
3 ADOPTED IN 1989.

4 AND THE COMPANY HAS ATTEMPTED TO DO  
5 MORE THAN A LANDFILL HERE. WE ALSO WANT TO BE A  
6 RESOURCE RECOVERY FACILITY. AND IN 1995, OF THE  
7 MATERIALS THAT CAME TO THE LANDFILL, 20 PERCENT OF  
8 THEM WERE DIVERTED INTO GRAVEL, WOOD CHIPS, COM-  
9 POST, AND METALS AND CARDBOARD THAT WAS RECYCLED  
10 AND TAKEN TO MARKETS.

11 WE KNOW WE NEED TO BE A GOOD NEIGHBOR  
12 WITH THE MARSH AND BE CONSISTENT WITH THE MARSH  
13 LAWS. THE MARSH ACT THAT WAS DEVELOPED FOR THE  
14 SUISUN MARSH, WHICH, BY THE WAY, IS ONE OF THE  
15 LARGEST FRESHWATER MARSHES IN AMERICA, AND IT  
16 DESERVES TO BE PROTECTED. THAT ACT ITSELF SAYS  
17 POTRERO HILLS LANDFILL CAN BE LOCATED IN THE MARSH  
18 IF IT PROVIDES PROTECTION TO THE MARSH.

19 THERE'S JUST BEEN A 250 PAGE, FULL EIR  
20 COMPLETED INVOLVING ALL AGENCIES THAT HAVE  
21 INTERESTS IN THE MARSH AND IN WASTE MANAGEMENT.  
22 THEY PARTICIPATED IN THAT FULL EIR, AND THE  
23 CONCLUSIONS WERE, YES, THERE'S MITIGATION MEASURES  
24 THAT NEEDED TO BE MADE. THERE ARE REGULATIONS  
25 THAT NEED TO BE ADHERED TO, BUT THERE IS NOTHING



1 THAT THAT LANDFILL OR THE COMPOSTING OPERATION OR  
2 THE CONCRETE CRUSHING WOULD DO TO HARM THE MARSH.

3 IN MRS. BONNICI'S LETTER SHE SAYS THAT  
4 WE SHOULD RELY HEAVILY ON LOCAL GOVERNMENT AND  
5 LOCAL LAND USE PROCEDURES AND ENFORCEMENT. WE  
6 FILED OUR PERMIT APPLICATION IN 1992. WE'VE BEEN  
7 WORKING WITH THESE AGENCIES FOR MANY YEARS NOW,  
8 AND WE HAVE CONSISTENTLY MET ALL THEIR REQUESTS  
9 FOR INFORMATION, AND WE'VE GONE THROUGH MANY  
10 MEETINGS.

11 THE PLANNING COMMISSION HELD TWO  
12 HEARINGS ON THE EIR. THEY THEN ADOPTED IT. THEN  
13 THEY HELD A HEARING ON THE USE PERMIT THAT WOULD  
14 ALLOW THE COMPOSTING AND THE LANDFILL QUANTITIES,  
15 WASTE EXPANSION, WHICH WE WILL BE COMING BACK TO  
16 YOU IN ANOTHER MONTH OR TWO FOR THAT PERMIT. MRS.  
17 BONNICI APPEALED THAT PERMIT TO THE BOARD OF  
18 SUPERVISORS, ACTUALLY BOTH PERMITS, THE LAND USE  
19 PERMITS.

20 THE BOARD OF SUPERVISORS SUSTAINED OUR  
21 PERMIT REQUEST AT THE REVIEW HEARINGS AND DENIED  
22 HER APPEAL. SHE NOW HAS APPEALED THOSE DECISIONS  
23 TO THE BCDC BECAUSE WITHIN THE SUISUN MARSH ACT,  
24 BCDC ACTS AS THE LAST GOVERNMENT AGENCY THAT HOLDS  
25 HEARINGS AND ADOPTS CONDITIONS FOR THE MARSH. AND



1 SO WE'RE SCHEDULED TO GO TO SAN FRANCISCO SEPT-  
2 BER 5TH TO HAVE BCDC HEAR MRS. BONNICI'S APPEAL ON  
3 THE ROAD ISSUE.

4 BOARD MEMBER CHESBRO: THAT'S THE BAY  
5 CONSERVATION DEVELOPMENT COMMISSION?

6 MR. BURCH: THAT'S CORRECT. THEY HAVE  
7 JURISDICTION OUT EASTWARD AS FAR AS THE SUISUN  
8 MARSH.

9 MRS. BONNICI HAS ALSO APPEALED THE  
10 LANDFILL USE PERMIT, AND THAT WILL BE ON A SUB-  
11 SEQUENT BCDC PERMIT HEARING LATER IN SEPTEMBER OR  
12 EARLY OCTOBER.

13 SO WE THINK WE ARE RELYING HEAVILY ON  
14 LOCAL GOVERNMENT AND THE LAND USE PLANNING  
15 PROCEDURES. SHE'S CONCERNED ABOUT MAINTAINING THE  
16 LONG-TERM PRODUCTIVITY OF THE SUISUN MARSH. WE  
17 HAVE AN EAGLE'S NEST THAT'S LOCATED SOUTH OF US.  
18 WE'VE BEEN MONITORING THAT SINCE THE LANDFILL WAS  
19 CREATED TEN YEARS AGO. THAT WAS ONE OF THE  
20 CONDITIONS WHEN THE LANDFILL BOTHERED THE EAGLE'S  
21 NEST. AND AGAIN, THE EAGLES NESTED THIS YEAR, AND  
22 THEY HAVE YOUNG THIS YEAR. THIS IS ABOUT FOUR OR  
23 FIVE YEARS IN A ROW NOW THAT THE NEST HAS BEEN  
24 ACTIVE AND HAVE BEEN SUCCESSFUL.

25 WE HAVE COME ACROSS GOLD FIELDS NEXT



1 TO THE ACCESS ROUTE IN THE LANDFILL -- TO THE  
2 LANDFILL. AND WE HAVE COME UP WITH A PROTECTION  
3 PROGRAM TO SAVE THOSE GOLD FIELDS, AND BCDC HAS  
4 AGREED THAT WE SHOULD HAVE TITLED ACCESS ON ONE  
5 SIDE OF OUR ACCESS ROAD AND NONTITLE ON THE OTHER.

6 AGAIN, THESE ARE CONDITIONS THAT WE  
7 ARE AGREEING TO TO PROTECT THOSE. THERE'S A  
8 BURROWING OWL. I COULD GO ON AND ON. THERE'S A  
9 LOT OF SENSITIVITY IN THE MARSH. AND EVERYTHING  
10 THAT'S BEEN STUDIED HAS BEEN SHOWN THAT WE ARE  
11 PROTECTING IT, AND THE MEASURES THAT WE ARE  
12 PROVIDING WILL CONTINUE TO PROTECT IT.

13 IN HER LETTER SHE INDICATES THE RIGHT  
14 TO PARTICIPATE IN GOVERNMENT DECISIONS. AND SHE  
15 CERTAINLY HAS DONE THAT, AND WE WELCOME HER TO  
16 MAKE THESE COMMENTS BECAUSE WE WANT TO KNOW WHAT  
17 SHE FEELS AND WE WANT TO BE ABLE TO REACT AND  
18 INDICATE OUR SIDE.

19 HER MENTION OF THE 404 PERMIT IS THE  
20 LAST STEP THAT WOULD BE TAKEN ON THE ACCESS ROAD.  
21 THAT WOULD BE DONE AFTER BCDC'S FINAL DECISION IS  
22 MADE ON THE ROAD. AND BY THE WAY, BCDC'S STAFF  
23 PARTICIPATED IN ALL THE PLANNING FOR THE ROAD  
24 PERMIT, AND THEY CONCUR WITH THE DECISION THAT'S  
25 BEEN MADE IN THE EIR AND BY THE COUNTY ON THE



1 ROAD. AND WE'VE BEEN WORKING WITH THE CORPS OF  
2 ENGINEERS AND WATER QUALITY CONTROL REGARDING THE  
3 404 PERMIT AND THE EPA. SO WE FEEL THAT THAT  
4 WOULD BE A PERMIT THAT WOULD BE GRANTED.

5 JUST TO KIND OF WRAP UP HERE, WE  
6 BELIEVE THAT THERE IS MONITORING AND PLANNING FOR  
7 OUR LANDFILL. WE HAVE SUBMITTED A LARGE DOCUMENT  
8 CALLED THE "REPORT OF COMPOSTING SITE INVESTI-  
9 GATION" FOR INFORMATION, AND WE HAVE IDENTIFIED  
10 ALL THE TYPES OF POTENTIAL THREATS AND CONDITIONS  
11 TO BE MONITORED, AND WE FEEL THAT WE DO A GOOD JOB  
12 OUT THERE.

13 THE -- I'VE NOT SEEN THOSE PICTURES,  
14 SO I CAN'T SPEAK TO WHAT SHE HAS TAKEN PICTURES OF  
15 LITTER, BUT THE LAST TIME THEY WERE BEFORE THE  
16 BOARD OF SUPERVISORS, SHE WANTED US TO PAY \$5,545  
17 PER 15 MINUTES. THAT'S \$12,000 AN HOUR TO HAVE  
18 THE PRIVILEGE TO COME ON THE PROPERTY TO PICK UP  
19 LITTER. WE FEEL THAT THAT'S A HIGH PRICE. WE  
20 HAVE CONSISTENTLY INDICATED THAT WE WILL COME ON  
21 HER PROPERTY AT HER DECISION WHEN SHE WANTS FOR US  
22 TO PICK UP THE LITTER.

23 WE ARE ERECTING FENCES THAT ARE 12  
24 FEET HIGH AT THE PROPERTY BOUNDARY TO CATCH LITTER  
25 IF IT GETS THAT FAR. WE HAVE FENCES NEXT TO THE



1 OPERATING LANDFILL. NOW, THESE ARE SITUATIONS AT  
2 THIS LANDFILL, NOT WITH THE COMPOSTING OPERATION.  
3 WE ARE LOOKING AT A GREEN WASTE COMPOSTING  
4 OPERATION HERE, WHICH SHOULD COME IN SOURCE  
5 SEPARATED WITH LITTLE MATERIALS THAT SHOULDN'T  
6 BLOW AND CREATE A LITTER PROBLEM NEXT DOOR.

7 WITH RESPECT TO DUST CONTROL, WE HAVE  
8 JUST SPENT A HALF MILLION DOLLARS CREATING A NEW  
9 STOCK POND NEXT DOOR TO REPLACE THE STOCK POND  
10 THAT ORIGINALLY WAS IN THE LANDFILL FOOTPRINT.  
11 THIS WAS ONE OF OUR MAIN WATER SUPPLY SOURCES ON  
12 SITE. CONDITION OF THE ORIGINAL PERMITS BY THE  
13 COUNTY AND THE STATE WAS TO DON'T LOSE THAT  
14 RESOURCE, MOVE THAT NEXT DOOR BECAUSE IT IS A  
15 WETLAND AND WATERS OF THE NATION. WE HAVE A CORPS  
16 PERMIT, AND WE SUCCESSFULLY RELOCATED THAT LAST  
17 YEAR. AND WE DO HAVE WATER NEXT DOOR ON THAT  
18 PROPERTY, AND WE HAVE AN EASEMENT TO USE THAT  
19 WATER AND HAVE THE WATER RIGHTS TO THAT WATER.

20 WE ALSO HAVE WATER TRUCKS THAT GO BACK  
21 AND FORTH TO THE CITY OF SUISUN AND PICK UP WATER.  
22 WE HAVE A GRADING PROJECT GOING ON RIGHT NOW AT  
23 THE LANDFILL, AND THE CONTRACTOR IS SUPPLYING HIS  
24 OWN WATER TRUCKS. WE ERECTED A CONTRACTOR - TYPE  
25 TANK AT THE CITY OF SUISUN SO THAT THE WATER CAN



1 BE SUPPLIED ON A EFFICIENT BASIS.

2 I DON'T KNOW WHAT SHE'S TALKING ABOUT  
3 ON SPILLING FOR -- SPILLAGE FOR GROUNDWATER  
4 MONITORING OR A \$2 MILLION BOND UNLESS THAT'S JUST  
5 THE STANDARD PROTECTION THAT WE HAVE PROVIDED ON  
6 THE -- TO THE REGIONAL BOARD OR TO THIS AGENCY FOR  
7 OFF-SITE IMPACTS.

8 WE FEEL THAT THE CONDITIONS IN THIS  
9 PERMIT ARE SOMETHING WE CAN MEET. WE HAVE A  
10 SISTER OPERATION AT THE WEST CONTRA COSTA LANDFILL  
11 THAT YOU GRANTED THE PERMIT FOR COMPOSTING ON TOP  
12 OF THE LANDFILL LAST YEAR. AND THAT WE'VE  
13 OPERATED WITHOUT DUST CONCERNS OR DUST COMPLAINTS  
14 OR ODOR COMPLAINTS. WE THINK THAT WE CAN RUN THE  
15 SAME OPERATION AT POTRERO ON THE LARGE SIZE.

16 I THINK THAT IF THERE'S ONE LAST THING  
17 THAT NEEDS TO BE DONE HERE IS FOR MRS. BONNICI AND  
18 US TO MEET AND TO AGREE ON THE SCHEDULE OF US  
19 COMING OVER TO PICK UP LITTER FROM THE LANDFILL.  
20 AGAIN, NOT ASSOCIATED WITH THIS PERMIT THAT'S  
21 UNDER CONSIDERATION HERE, BUT WE ARE WILLING TO GO  
22 AND MEET AND WORK OUT AN EQUITABLE ARRANGEMENT SO  
23 THAT THAT LITTER CAN BE PICKED UP.

24 IF THERE'S ANY QUESTIONS YOU HAVE  
25 REGARDING THE EIR OR THE REPORTS THAT WE SUB-





1 MMITTED, I'LL BE WELCOME.

2 CHAIRMAN PENNINGTON: ANY QUESTIONS?

3 BOARD MEMBER CHESBRO: COMMENTS. NO

4 QUESTIONS AT THIS POINT.

5 CHAIRMAN PENNINGTON: YOU HAVE A COMMENT?

6 BOARD MEMBER CHESBRO: MR. CHAIRMAN, IT

7 SEEMS TO ME THAT THE ISSUES THAT MRS. BONNICI

8 RAISED ARE RELATED TO COMPLIANCE IN RELATION TO

9 THE EXISTING LANDFILL FACILITY, AND I UNDERSTAND

10 THAT THAT FACILITY PERMIT IS GOING TO BE UP FOR

11 REVIEW SOMETIME IN THE NEAR FUTURE AND CERTAINLY

12 THE OPPORTUNITY FOR FURTHER DISCUSSION TO TAKE

13 PLACE AT THAT TIME, BUT THEY'RE NOT RELATED, IT

14 DOESN'T APPEAR, TO THE COMPOST PERMIT WE HAVE

15 BEFORE US. AND I DO BELIEVE THE COMPOST PERMIT IS

16 ESSENTIAL TO SOLANO COUNTY AND SOLANO COUNTY

17 CITIES MEETING THEIR AB 939 REQUIREMENTS. THE

18 APPLICATION SEEMS TO COMPLY WITH ALL THE REQUIRE-

19 MENTS OF THE LAW, THE STATE LAW, SO I'M PREPARED

20 TO MOVE THE PERMIT.

21 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN

22 MOVED.

23 BOARD MEMBER FRAZEE: SECOND.

24 CHAIRMAN PENNINGTON: IT'S BEEN SECONDED.

25 ANY FURTHER DISCUSSION? WILL THE SECRETARY CALL



1 THE ROLL, PLEASE.

2 BOARD SECRETARY: BOARD MEMBER CHESBRO.

3 BOARD MEMBER CHESBRO: AYE.

4 BOARD SECRETARY: FRAZEE.

5 BOARD MEMBER FRAZEE: AYE.

6 BOARD SECRETARY: GOTCH.

7 BOARD MEMBER GOTCH: AYE.

8 BOARD SECRETARY: RELIS.

9 BOARD MEMBER RELIS: AYE.

10 BOARD SECRETARY: CHAIRMAN PENNINGTON.

11 CHAIRMAN PENNINGTON: AYE. MOTION CARRIES.

12 WE'RE GETTING CLOSE TO LUNCHTIME,

13 AND SO I THINK AT THIS POINT WE'LL -- I'LL TURN IT

14 BACK TO MRS. GOTCH, WHO HAS A VIDEO.

15 BOARD MEMBER GOTCH: IF I MAY, I'D LIKE TO

16 ASK FOR ANOTHER FIVE MINUTES BEFORE WE BREAK FOR

17 LUNCH AND THAT'S TO SHOW THE BOARD'S VIDEO.

18 DURING LAST YEAR'S CONTRACT PROCESS,

19 THE BOARD APPROVED MONEY TO PRODUCE A THREE- TO

20 FOUR-MINUTE BOARD VIDEO. WE WERE FORTUNATE ENOUGH

21 TO LOCATE A GROUP, FIVE STAR PRODUCTIONS, THAT

22 WOULD PROVIDE ALL THE FUNCTIONS ASSOCIATED WITH

23 VIDEO PRODUCTION: SHOOTING FOOTAGE AND MARKETING

24 OF THE VIDEO, AS WELL AS OUR OWNERSHIP OF THIS

25 VIDEO AFTERWARDS.



1 AS A MATTER OF FACT, THE COMPANY IS  
2 AFFILIATED WITH A SHOW ON THE DISCOVERY CHANNEL  
3 ENTITLED "TODAY'S ENVIRONMENT." SO AS A RESULT,  
4 THE BOARD'S VIDEO IS GOING TO BE SHOWN ON CABLE  
5 CHANNELS BOTH WITHIN CALIFORNIA AND NATIONWIDE.

6 I'D LIKE TO THANK ALL THE BOARD  
7 MEMBERS' OFFICES FOR THEIR INPUT ON THE SCRIPT AND  
8 THE VARIOUS LOCATION SHOTS. AND ADDITIONALLY,  
9 I'D LIKE TO PERSONALLY COMMEND RONNIE JAVA, THE  
10 FORMER ACTING DIRECTOR OF THE PUBLIC INFORMATION  
11 UNIT TO THIS BOARD, FOR HER DILIGENCE IN KEEPING  
12 AND ORGANIZING ALL THE DIFFERENT ELEMENTS OF  
13 PRODUCTION WITH FIVE STAR PRODUCTIONS, CALENDARING  
14 THE VARIOUS SHOTS, AND OVERALL JUST PULLING THIS  
15 VIDEO TOGETHER, ACTING AS THE BOARD'S EXECUTIVE  
16 PRODUCER FOR THIS VIDEO.

17 I'M PLEASED WITH THE VIDEO, AND I HOPE  
18 YOU ALL ARE AS WELL. SO LET'S SEE THE VIDEO,  
19 PLEASE.

20 (THE VIDEO WAS THEN SHOWN, BUT NOT  
21 REPORTED, NOR HEREIN TRANSCRIBED.)

22 CHAIRMAN PENNINGTON: VERY GOOD.

23 (APPLAUSE.)

24 BOARD MEMBER FRAZEE: ESPECIALLY PICTURES  
25 OF BOARD MEMBERS.



1 CHAIRMAN PENNINGTON: THAT'S WHAT MAKES IT  
2 VERY GOOD. THANK YOU, MRS. GOTCH. THANK YOU, MS.  
3 JAVA. WE APPRECIATE THAT. THAT'S VERY GOOD.  
4 I THINK WE'LL BREAK NOW FOR LUNCH, IF  
5 THERE'S NO OBJECTION, AND BE BACK AT 1:30.

6 (LUNCH RECESS TAKEN.)

7 CHAIRMAN PENNINGTON: OKAY. WE'RE BACK IN  
8 SESSION. HOPE EVERYBODY HAD A GOOD LUNCH, AND  
9 WE'LL START OFF WITH ASKING IF ANYBODY HAS ANY EX  
10 PARTES THEY NEED TO REPORT. HEARING NONE, WE'LL  
11 MOVE TO ITEM 27, CONSIDERATION OF THE ADOPTION OF  
12 NEGATIVE DECLARATION AND THE PROPOSED REGULATIONS  
13 FOR TRANSFER OPERATIONS.

14 MS. RICE: BEATRICE POROLI WILL MAKE THE  
15 PRESENTATION FOR STAFF.

16 MS. POROLI: GOOD AFTERNOON. THIS ITEM WAS  
17 HEARD PREVIOUSLY AT THE JULY 30TH BOARD MEETING.  
18 THE REGULATIONS BEFORE YOU WERE DEVELOPED AS A  
19 RESULT OF AB 59. AB 59 REQUIRES LEA'S TO ISSUE  
20 CEASE AND DESIST ORDERS TO FACILITIES OPERATING  
21 WITHOUT A PERMIT PRIOR TO OCTOBER 16, 1996.

22 AT THE MARCH 1996 MEETING, THE BOARD  
23 DIRECTED STAFF TO ACCELERATE THE DEVELOPMENT OF  
24 THE REGULATIONS FOR TRANSFER STATIONS WHERE NO  
25 PROCESSING OF WASTE OCCURS. AT THE MAY 10TH



1 PERMITTING AND ENFORCEMENT COMMITTEE, THE  
2 COMMITTEE APPROVED THE REGULATIONS FOR SUBMITTAL  
3 TO THE OFFICE OF ADMINISTRATIVE LAW FOR FORMAL  
4 PUBLIC NOTICE.

5 THE CONTENTS OF THE REGULATION PACKAGE  
6 THAT WAS FILED WITH THE OFFICE OF ADMINISTRATIVE  
7 LAW INCLUDED ACTIVITIES IN THE NOTIFICATION,  
8 REGISTRATION, AND THE STANDARDIZED TIERS.

9 BASED ON THE COMMENTS RECEIVED DURING  
10 THE 45-DAY COMMENT PERIOD AND THE RESOLUTION  
11 ADOPTED BY THE ENFORCEMENT ADVISORY COUNCIL, STAFF  
12 RECOMMENDED TO THE PERMITTING AND ENFORCEMENT  
13 COMMITTEE AT THE JULY 10TH MEETING TO REDUCE THE  
14 SCOPE OF THE PACKAGE TO ONLY INCLUDE TRANSFER  
15 OPERATIONS IN THE EA NOTIFICATION AND INCLUDE THE  
16 SMALL VOLUME TRANSFER OPERATIONS FROM ZERO TO 60  
17 CUBIC YARDS PER ANY OPERATING DAY AND A NOTICE OF  
18 REGULATIONS FOR A 15-DAY COMMENT PERIOD.

19 THE SMALL VOLUME TRANSFER OPERATIONS  
20 WERE RENAMED TO LIMITED VOLUME TRANSFER OPERATIONS  
21 TO AVOID CONFUSION BETWEEN PROPOSED AND EXISTING  
22 REGULATIONS. THE FACILITIES THAT RECEIVE MORE  
23 THAN 60 CUBIC YARDS PER ANY OPERATING DAY WILL BE  
24 ADDRESSED IN THE FUTURE RULEMAKING PROCESS WITH  
25 THE MATERIAL RECOVERY FACILITIES.



1           MANY OF THE COMMENTS RECEIVED DURING  
2   THE FIRST 15-DAY COMMENT PERIOD WERE OUTSIDE THE  
3   SCOPE OF THE 15-DAY COMMENT PERIOD. AT THE JULY  
4   30TH BOARD MEETING, THE BOARD DIRECTED STAFF TO  
5   FURTHER CLARIFY THE DEFINITION OF SEALED CONTAINER  
6   TRANSFER OPERATIONS AND NOTICED THE REGULATIONS  
7   FOR AN ADDITIONAL 15-DAY COMMENT PERIOD.

8           THERE WERE THREE COMMENT LETTERS  
9   RECEIVED DURING THE SECOND 15-DAY COMMENT PERIOD.  
10   FOLLOWING IS A SUMMARY OF THOSE COMMENTS. ONE OF  
11   THE COMMENTERS, NORCAL, ESSENTIALLY RESTATED !!  
12   STATED THEIR UNDERSTANDING OF THE PROPOSED REGU-  
13   LATIONS. ANOTHER COMMENTER WAS WASTE MANAGEMENT,  
14   INC., SUPPORTED THE REGULATION PACKAGE AS IS. AND  
15   THE FINAL COMMENTER, TULARE COUNTY LEA, COMMENTS  
16   WILL BE ADDRESSED IN THE FINAL STATEMENT OF  
17   REASON.

18           BASED ON THE REVIEW OF THE COMMENTS  
19   RECEIVED, STAFF RECOMMEND THAT THE BOARD ADOPT  
20   RESOLUTION NO. 96-328, ADOPTING THE NEGATIVE  
21   DECLARATION, AND ADOPT RESOLUTION NO. 96-329,  
22   ADOPTING THE PROPOSED REGULATIONS.

23           THIS CONCLUDES STAFF'S PRESENTATION.

24           CHAIRMAN PENNINGTON: THANK YOU. ANY  
25   QUESTIONS TO THE STAFF ON THIS? OKAY.



1 WE HAVE TWO PEOPLE IN THE AUDIENCE WHO  
2 WISH TO ADDRESS THIS. FIRST-IS MR. CHUCK WHITE,  
3 WMX.

4 MR. WHITE: THANK YOU, MR. CHAIRMAN,  
5 MEMBERS OF THE BOARD. CHUCK WHITE WITH WMX  
6 TECHNOLOGIES AND WASTE MANAGEMENT. MY COMMENTS  
7 WILL BE PRETTY BRIEF. I THINK WE'VE BEEN OVER  
8 THIS SUBJECT QUITE EXTENSIVELY AND SHOULDN'T  
9 INVOLVE TOO MUCH MORE DISCUSSION OR DEBATE.

10 WASTE MANAGEMENT/WMX DOES SUPPORT THE  
11 REVISED REGULATIONS AS CURRENTLY PROPOSED, AND WE  
12 BELIEVE THAT THESE PROPOSED REGULATIONS SHOULD BE  
13 ADOPTED WITHOUT FURTHER AMENDMENT.

14 AS WAS STATED BY BEATRICE, THEY DO  
15 INVOLVE ONLY LIMITED VOLUME TRANSFER OPERATIONS  
16 AND SEALED CONTAINER TRANSFER OPERATIONS, BOTH OF  
17 WHICH WILL BE PLACED WITHIN THE NOTIFICATION TIER.  
18 AND WE BELIEVE IT'S IMPORTANT THAT THE BOARD MOVE  
19 FORWARD IN AN EXPEDITIOUS MANNER TO ADOPT THESE  
20 REGULATIONS SO YOU WON'T HAVE ENFORCEMENT INTER-  
21 PRETATION PROBLEMS AS A RESULT OF AB 59 WITH THESE  
22 KINDS OF ACTIVITIES.

23 WE REALLY PARTICULARLY COMMEND THE  
24 BOARD AND STAFF FOR THE OUTSTANDING JOB THAT  
25 YOU'VE DONE TO ENSURE THESE REGULATIONS ARE REA-



1 SONABLY CONSISTENT WITH PAST OPERATING PRACTICES,  
2 THAT THEY EMPLOY COMMON SENSE, AND THEY PROVIDE  
3 FLEXIBLE OPTIONS FOR LOCAL GOVERNMENT AND WASTE  
4 MANAGEMENT COMPANIES TO ADDRESS WASTE MANAGEMENT  
5 NEEDS FROM JURISDICTION TO JURISDICTION.

6 PLACEMENT OF THE SEALED CONTAINER  
7 OPERATIONS AND LIMITED VOLUME TRANSFER OPERATIONS  
8 INTO THE NOTIFICATION TIER WILL CONTINUE TO  
9 SUBJECT THESE OPERATIONS TO STRINGENT REGULATORY  
10 STANDARDS THAT ARE ENFORCEABLE BY BOTH THE WASTE  
11 BOARD AND THE LEA.

12 I JUST SIMPLY, WITHOUT GOING INTO THE  
13 LONG LAUNDRY LIST, I WANT TO REMIND YOU THAT THERE  
14 ARE OVER 20 PERFORMANCE STANDARDS THAT YOU'RE  
15 REQUIRED TO COMPLY WITH WHEN YOU'RE OPERATING  
16 WITHIN THE NOTIFICATION TIER. NO NUISANCES, FOR  
17 EXAMPLE, HAVE TO HAVE RUNON/RUNOFF CONTROLS, AND  
18 THE LIST GOES ON THROUGH 20 DIFFERENT, SEPARATE,  
19 ENFORCEABLE STANDARDS THAT HAVE TO BE MET. AND WE  
20 WOULD HOPE THAT ALL SEALED CONTAINER OPERATIONS  
21 AND LIMITED VOLUME TRANSFER OPERATIONS MEET AND  
22 EXCEED THESE RIGOROUS STANDARDS IN THE FUTURE.

23 UNDER THE NOTIFICATION TIER, BOTH THE  
24 LEA'S AND THE BOARD ARE GOING TO BE ABLE TO MONI-  
25 TOR THESE ACTIVITIES AND ENSURE THEIR CONTINUED





1 PROTECTION OF PUBLIC HEALTH, SAFETY, AND ENVIRON-  
2 MENT NOW AND INTO THE FUTURE. AND SO WE CERTAINLY  
3 WELCOME ONGOING PARTICIPATION OF THE BOARD AND THE  
4 LEA'S IN THE REVIEW OF THE PERFORMANCE OF THESE  
5 SYSTEMS. WE URGE YOU TO GO AHEAD AND ADOPT THESE  
6 REGULATIONS AS PROPOSED. THANK YOU VERY MUCH.

7 CHAIRMAN PENNINGTON: QUESTIONS OF MR.  
8 WHITE? THANK YOU. NEXT WE HAVE EVAN EDGAR.

9 MR. EDGAR: THANK YOU. GOOD AFTERNOON. MY  
10 NAME IS EVAN EDGAR. I'M THE MANAGER OF TECHNICAL  
11 SERVICES FOR THE CALIFORNIA REFUSE REMOVAL  
12 COUNCIL, REPRESENTING THE PRIVATE INDEPENDENT  
13 COMMUNITY BASED SOLID WASTE MANAGEMENT COMPANIES  
14 OF CALIFORNIA.

15 I'M HERE TODAY TO TALK ABOUT THE  
16 SEALED CONTAINERS, ABOUT HOW CRC THE LAST FEW  
17 MONTHS TALKED ABOUT LAW AND EQUITY, ABOUT SOME  
18 LEGAL ARGUMENTS, AND ABOUT WHAT THESE PODS CAN DO  
19 FOR CALIFORNIA.

20 I'M GOING TO GET RIGHT TO THE POINT ON  
21 THE LEGAL ARGUMENTS. I WANT TO INTRODUCE IN THE  
22 RECORD A LETTER THAT WAS BROUGHT IN TODAY DATED  
23 AUGUST 28, 1996, PREPARED BY KELLY ASTOR, ASTOR &  
24 PHILLIPS. BASICALLY THIS REITERATES THE SAME  
25 ARGUMENTS I'VE BEEN MAKING FOR THE LAST TWO MONTHS



1 ABOUT THE LEGAL ASPECTS OF PRC 43309 AND THE  
2 TRANSFER STATION REGULATIONS.

3 WE'VE TALKED ABOUT HAVING VOLUME  
4 LIMITATIONS OF 90 CUBIC YARDS OVER THE 72-HOUR  
5 PERIOD, AND WE FELT THAT THE TRANSFER STATION  
6 REGULATIONS SHOULD HONOR THAT STATUTE AND HOW THE  
7 TRANSFER STATION REGULATIONS HAVE NOT EVEN  
8 RECOGNIZED THAT STATUTE. IF ANYTHING, THEY'VE  
9 GONE UP TO 96 CUBIC YARDS UNLIMITED.

10 SO KELLY ASTOR WAS A LAWYER BACK IN  
11 1989 THAT HELPED WRITE 43309, KNEW THE INTENT OF  
12 43309 IN ORDER TO HAVE COVERED CONTAINERS TO  
13 INCLUDE THE UNIVERSE OF COVERED CONTAINERS,  
14 INCLUDING SEALED CONTAINERS.

15 AND FROM THE DEMONSTRATION PROJECT  
16 THAT WAS GIVEN BACK IN 1990 BY THE PREVIOUS  
17 COUNCIL, IT WAS VERY LIMITED. THE DEMONSTRATION  
18 PROJECT WAS NOT UNLIMITED VOLUMES AND FOR STORAGE  
19 UP TO 96 HOURS. LOOK AT THE FORT BRAGG EXAMPLE  
20 AND OTHER EXAMPLES, IT'S ABOUT THREE OR SIX PODS,  
21 HUNDRED TO 200 CUBIC YARDS. IT'S NOT FIELDS OF  
22 PODS FOREVER, BUT THERE ARE LIMITED VOLUME IN  
23 DEMONSTRATION PROJECTS. WHAT HAPPENED IN UKIAH  
24 WAS A TIME LIMITATION FROM ONE WEEK DOWN TO 96  
25 HOURS. WHAT CRC TESTIFIED ON WAS A VOLUME



1       LIMITATION IN ACCORDANCE WITH PRC 43309.

2               NOW THESE EXCHANGE AREAS SHOULD BE  
3       TREATED AS TRANSFER STATIONS IN ACCORDANCE WITH  
4       THE 90 CUBIC YARDS AND 72-HOUR LIMITATIONS. SO  
5       THAT IS ENTERED IN THE RECORDS TO GO TO THE WASTE  
6       BOARD AND INTO THE FINAL STATEMENT OF REASONS.

7               I TALKED ABOUT SOME OTHER THINGS AS  
8       WELL BEYOND THE LEGAL ARGUMENT IN UKIAH. I TALKED  
9       ABOUT PUBLIC HEALTH AND SAFETY, ABOUT RECYCLING  
10      OPPORTUNITIES, AND ABOUT THE BIGGER POLICY ISSUES  
11      THAT WE'RE FACED WITH IN CALIFORNIA WITH REGARDS  
12      TO THIS NEW TECHNOLOGY AND THE INCENTIVES GIVEN  
13      NOT TO COMPLY WITH TRANSFER STATION PERMITTING AS  
14      WE HAVE TO TRY TO DO.

15              I WAS IN FRONT OF THIS COMMITTEE MANY  
16      TIMES AND THIS BOARD MANY TIMES ABOUT CRC'S SIERRA  
17      NEVADA GROUP. THEY'RE A GROUP OF HAULERS FROM  
18      SUSANVILLE DOWN TO SONORA, AND WE TOOK AB 939 ON  
19      THE CHIN AND SUBTITLE D. AND OVER THE LAST THREE  
20      YEARS, ONE OF THE THINGS WE'VE DONE WITH THAT  
21      GROUP, AS YOU HEARD IN PLACERVILLE LAST SEPTEMBER,  
22      WAS THAT WE ARE ABLE TO PHASE OUT THE UNDERSIZED  
23      LOCAL COUNTY LANDFILLS INTO PRIVATE MRF'S. AS  
24      PART OF THAT MRF AND TRANSFER ACTIVITY, WE PLAYED  
25      BY ALL THE RULES, WE GOT THE PERMITS. AT THE SAME



1 TIME WE HAD LOADCHECKING AND WE HAD RECYCLING  
2 OPPORTUNITIES.

3 AND WE'RE PROUD OF THE FACT THAT OVER  
4 THE THREE YEARS WE WERE ABLE TO HAVE RECYCLING,  
5 MEET THE DIVERSION GOALS, AND HAVE LOADCHECKING.  
6 AND ONCE A YEAR, THROUGH THAT GROUP, I PUT ON MY  
7 LOADCHECKING SEMINARS. WE HAVE ANNUAL TRAINING ON  
8 LOADCHECKING. AT THE SAME TIME WE HAVE ANNUAL  
9 TRAINING ON MEDICAL WASTE ONCE A YEAR. SO I HAVE  
10 AN ANNUAL PROGRAM IN ORDER TO LOADCHECK AND TO  
11 LOOK AT THE HEALTH AND SAFETY RISK THAT COMES WITH  
12 SOLID WASTE, ESPECIALLY WHEN IT'S EXPORTED OUT OF  
13 THE STATE AND THE CONCERNS OF OTHER STATES OUT  
14 THERE.

15 I PAINTED A SCENARIO. AND WHEN WASTE  
16 MANAGEMENT INC. FLEW IN PEOPLE FROM SAN DIEGO, I  
17 THINK THIS BOARD THOUGHT I WAS FLYING BY THE SEAT  
18 OF MY PANTS. BUT MY SCENARIO I PAINTED WAS THAT  
19 THE POD TECHNOLOGY COULD RAID LOCAL ACCOUNTS,  
20 BYPASS THE LOCAL TRANSFER STATION AND RECYCLING,  
21 DOES NOT GET LOADCHECKED, GETS EXPORTED OUT OF  
22 STATE TO MEGA LANDFILLS WITHOUT LOADCHECKING, AND  
23 THEY'LL PAY AN EXPORT FEE, AND YOU DON'T GET  
24 RECYCLING AND YOU DON'T GET LOADCHECKING.

25 AND THAT TESTIMONY WAS DISCOUNTED BY



1 THE WASTE MANAGEMENT INC. REPRESENTATIVE THAT DAY.  
2 WELL, SO HAPPENED TWO WEEKS AGO THE STATE OF  
3 NEVADA PHONED ME, WASHOE COUNTY, THE SAME PEOPLE  
4 I'VE BEEN WORKING FOR THREE YEARS, ABOUT THE  
5 PERCEPTION OF CALIFORNIA DUMPING ON NEVADA. THE  
6 SAME PEOPLE WHO WERE INVITED TO MY LOADCHECKING  
7 COURSES. THE SAME PEOPLE WHO LOOK AT EXPORT OF  
8 SOLID WASTE FROM CALIFORNIA TO NEVADA.

9 THEY WERE VERY CONCERNED BECAUSE THEY  
10 GOT A PROPOSAL FROM A WASTE MANAGEMENT INC. COM-  
11 PANY IN GRASS VALLEY TO TAKE THIS POD TECHNOLOGY,  
12 CROSS OVER THE BORDER TO A PRIVATE LANDFILL IN  
13 RENO WITHOUT ANY LOADCHECKING OPPORTUNITIES. AND  
14 I'VE BUILT A LOT OF CREDIBILITY IN THREE YEARS  
15 WITH WASHOE COUNTY TO SAY THAT WE AREN'T DUMPING  
16 ON NEVADA, AND THIS POD TECHNOLOGY WITHOUT THE  
17 LOADCHECKING CAPABILITIES FROM COLLECTION TO  
18 TRANSFER TO DISPOSAL LONG HAUL JUST ISN'T  
19 HAPPENING. AND WASHOE COUNTY WANTS TO KNOW WHAT'S  
20 GOING ON. I COULDN'T HELP THEM.

21 SO THE STATE OF NEVADA IS VERY CON-  
22 CERNED ABOUT THE DUMPING OF SOLID WASTE. I'M  
23 CONCERNED. THE STATE OF CALIFORNIA SHOULD BE  
24 CONCERNED. AND MY HAULERS IN THE SIERRA NEVADA  
25 GROUP ARE VERY MUCH CONCERNED BECAUSE, NOT ONLY DO



1 WE HAVE LOADCHECKING, WE ARE THE LOCAL TRANSFER  
2 STATION OPERATORS. WE OPERATE THE LOCAL MRF'S.  
3 AND BY HAVING US BYPASSED WITHOUT LOADCHECKING AND  
4 WITHOUT RECYCLING WITH THIS POD TECHNOLOGY, IT IS  
5 VERY CONCERNING. WE DID OUR JOBS AND WE WANT TO  
6 CONTINUE TO DO OUR JOB IN THESE COMMUNITIES. WE  
7 DON'T WANT TO DUMP ON NEVADA.

8 I THINK A LOT OF THINGS HAPPENED THIS  
9 YEAR WITH REGARDS TO THE CLOSURE OF FRESH KILLS  
10 BACK IN D.C. RICHARD PERRY SPENT A LOT OF TIME IN  
11 D.C. TALKING ABOUT INTERSTATE FLOW. ONE OF THE  
12 KEY ASPECTS WAS THE GOVERNORS OF MANY STATES OF  
13 THIS NATION WERE TALKING ABOUT INTERSTATE FLOW,  
14 ABOUT DUMPING OF GARBAGE ON OTHER STATES.

15 WHEN WE WERE IN UKIAH TALKING ABOUT  
16 ASTM SEALED CONTAINER REGULATIONS, WE WERE BACK IN  
17 D.C. TALKING ABOUT INTERSTATE FLOW WITH THE  
18 GOVERNORS OF DIFFERENT STATES TAKING UNLOAD-  
19 CHECKED, UNRECYCLED TRASH FROM ONE STATE TO THE  
20 NEXT. THAT'S A BIG POLICY ISSUE THAT WE'RE  
21 STRUGGLING WITH, AND WE'VE JUST HIT THE TIP OF THE  
22 ICEBERG WITH A LOT OF CLOSURE OF LANDFILLS IN  
23 CALIFORNIA, WITH RAIL HAUL.

24 HOW WOULD THIS RATE BE EXPORTED OUT OF  
25 STATE AND WHAT TYPE OF CAPABILITY FOR LOAD-



1 CHECKING? WHAT THAT TYPE OF CAPABILITY FOR  
2 RECYCLING? NOT ONLY THOSE ISSUES ARE THERE. WE  
3 HAVE LOSS OF REVENUE ON EXPORT FEE. WE HAVE  
4 DIMINISHING RECYCLING OPPORTUNITIES. AND MOST  
5 IMPORTANTLY TO ME IS THAT WE'RE BYPASSING THE  
6 LOCAL RECYCLING, BYPASSING LOCAL LOADCHECKING, THE  
7 PEOPLE THAT I REPRESENT.

8 ON OCTOBER 2D THERE'S A POLICY HEARING  
9 IN NATURAL RESOURCES, OBERG. IT'S NOT JUST  
10 LIMITED TO AB 939 AND 50-PERCENT GOAL. I SAW THE  
11 COPY OF THE AGENDA. IT'S GOING TO BE WIDE OPEN ON  
12 RAIL HAUL, EXPORT FEE, EXPORTING, THE WHOLE ISSUE  
13 OF CALIFORNIA IS NEEDED AS A COMPREHENSIVE LOOK AT  
14 SOLID WASTE MANAGEMENT IN CALIFORNIA, ABOUT SOME  
15 REAL POLICY ISSUES IN FRONT OF US AND POLICY  
16 ISSUES THAT REALLY HAVEN'T BEEN ADDRESSED COMPRE-  
17 HENSIVELY FOR A WHILE.

18 WHEN WE HAD A POLICY COMMITTEE THAT  
19 WAS ACTIVELY TAKING ISSUES ON A ROUTINE BASIS,  
20 THESE TYPE OF POLICIES WERE THERE. EXPORT FEE,  
21 RAIL HAUL. YOU SAW A LOT OF DIFFERENT ISSUES ON  
22 POLICY -- ON THIS TYPE OF POLICY WITHIN THE POLICY  
23 COMMITTEE. WE DON'T HAVE THAT LUXURY TODAY  
24 BECAUSE OF THE FACT THAT WE DON'T HAVE A REPRESENTATIVE TODAY UP AT THE WASTE BOARD.



1           SAM EGIGIAN WAS VERY ACTIVE WITH MANY  
2   OF THESE ISSUES ON EXPORT FEES, SOLID WASTE TRANS-  
3   FER, RAIL HAUL. AND THIS TYPE OF POD TECHNOLOGY  
4   IS VERY, VERY IMPORTANT TO THIS INDUSTRY. IT HAS  
5   RAMIFICATIONS BEYOND JUST WHAT IS ASTM SEALED  
6   CONTAINER REGULATION TO PUT IN THE DEFINITION. IT  
7   GOES INTO THE WHOLE VENUE OF HOW THE STATE OF  
8   CALIFORNIA IS DEALING WITH SOLID WASTE WITH THE  
9   EXPORT ISSUE. AND WE HAVEN'T HAD THOSE TYPE OF  
10  TALKS.

11           ONE TYPE OF TALK WE HAD IN POLICY  
12  COMMITTEE WAS ABOUT BALED STRAW HOUSING. VERY  
13  IMPORTANT. IT'S A NEW TECHNOLOGY. IT GOT A  
14  POLICY DEBATE. I BELIEVE THAT THE POD ISSUE  
15  DESERVES THAT SAME TYPE OF POLICY DEBATE IN A  
16  FORUM THAT'S NOT ACCELERATED BY AB 59 ISSUES, IN A  
17  FORUM THAT WE HAVE THE TIME TO LOOK AT THE LEGAL  
18  ASPECTS, THE POLICY ASPECTS OF PODS WITHOUT BEING  
19  ON THE HIGHWAY FOR AB 59 FOR LIMITED VOLUME  
20  TRANSFER STATION, WHICH WE NEED TO ADDRESS, BUT  
21  SEALED CONTAINERS DO NOT NEED TO BE ON THE SAME  
22  HIGHWAY TO APPEASE AB 59.

23           WE BELIEVE THAT IT NEEDS A POLICY  
24  DISCUSSION, AND THAT'S MY RECOMMENDATION TODAY IS  
25  TO BREAK OUT THESE REGULATIONS, MOVE FORTH WITH





1 SEALED CONTAINERS IN THIS REGULATION PACKAGE, TAKE  
2 THE POD TECHNOLOGY, PUT IT IN THE POLICY  
3 COMMITTEE, MAYBE ASSUMING THEY HAVE AN INDUSTRY  
4 REPRESENTATIVE TO ADDRESS THE MAIN CONCERNS. I  
5 KNOW INDIVIDUALLY A LOT OF THE FOLKS HERE HAVE  
6 REACHED OUT TO INDUSTRY TO ACCOMMODATE OUR ISSUES  
7 DURING THE SHORT-TERM PERIOD. WE HAD A LOT OF  
8 PHONE CALLS FROM FREDENBURG'S OFFICE, FROM GOTCH,  
9 AND EVERY OFFICE UP HERE HAS WITNESS TO MY  
10 TESTIMONY TIME AND TIME AGAIN EVER SINCE MARCH.  
11 BUT IT TAKES MORE THAN A VILLAGE OF REPRESENTATIVES TO DO INDUSTRY REPRESENTATION.

13 BOARD MEMBER CHESBRO: BY THE WAY, IT'S  
14 CHESBRO'S OFFICE. FREDENBURG WORKS FOR ME.

15 MR. EDGAR: IT TAKES A VOTE, AND WE NEED  
16 REPRESENTATION AT THE WASTE BOARD IN ORDER TO HAVE  
17 THESE KEY ISSUES THAT SAM EGIGIAN ADDRESSED QUITE  
18 WELL, AND WE'RE NOT GETTING THAT SAME TYPE OF  
19 POLICY DISCUSSION, I BELIEVE, THAT THIS POD ISSUE  
20 DESERVES.

21 SO MY RECOMMENDATION TODAY, IF POSSI-  
22 BLE, IS THAT, IN THE NAME OF SAM EGIGIAN, TO  
23 SEPARATE THE TWO ISSUES. THE POLICY DISCUSSION ON  
24 PODS IS VERY ALARMING. ON IMPORT/EXPORT THE STATE  
25 OF NEVADA, WASHOE COUNTY, I COULDN'T GET THAT



1 LETTERHEAD TODAY, BUT I WANT TO SUBMIT THAT  
2 LETTERHEAD FROM THEM ON THEIR CONCERNS. I WORK  
3 CLOSELY WITH THEM ON TAKING UNLOADCHECKED WASTE  
4 WITHOUT BYPASSING THE LOCAL TRANSFER STATION IN  
5 GRASS VALLEY, WHO DON'T DO THE RECYCLING, AND LOOK  
6 FORWARD TO THE PACKAGE BEING SEPARATED WITH THE  
7 LIMITED-TERM VOLUME STATIONS MOVING FORWARD.

8 THANK YOU FOR THE TESTIMONY TODAY.

9 CHAIRMAN PENNINGTON: QUESTIONS OF MR.  
10 EGIGIAN.

11 MR. EDGAR: THANK YOU.

12 CHAIRMAN PENNINGTON: OKAY. NEXT WE HAVE  
13 LARRY SWEETSER.

14 MR. SWEETSER: GOOD AFTERNOON, CHAIRMAN,  
15 MEMBERS OF THE COMMITTEE. MY NAME IS LARRY  
16 SWEETSER, DIRECTOR OF REGULATORY AFFAIRS FOR  
17 NORCAL WASTE SYSTEMS. I WILL BE VERY BRIEF. DO  
18 APPRECIATE THE BOARD AND STAFF'S EFFORTS, WHICH WE  
19 REALLY DO IN THIS EFFORT.

20 ALTHOUGH WE WOULD HAVE PREFERRED A  
21 VOLUME LIMITATION ON THE SEALED CONTAINERS, THE  
22 PROPOSED REGULATIONS HAVE MADE THE 96-HOUR AN  
23 EXPLICIT LIMIT, AND I FIND THAT VERY HELPFUL. WE  
24 WILL ABIDE BY YOUR DECISION. AND WE ALL WANT THE  
25 CONCERNS OF AB 939 ADDRESSED, SO WE CAN MEET THE



1 DEADLINE.

2 AND NOW INTO THE PROCESS, I WOULD URGE  
3 YOU TO MOVE FORWARD ON THIS ITEM. AND I GUESS, AS  
4 FAR AS THE -- THIS REGULATORY PACKAGE, WE VIEW IT  
5 AS ONE THAT FOR THOSE SOLID WASTE FACILITIES THAT  
6 WOULD HAVE OTHERWISE REQUIRED FULL PERMITS, AND WE  
7 HAVE A NUMBER OF FACILITIES OURSELVES THAT WE'LL  
8 BE DEALING WITH IN THE FUTURE, SO I THINK IT'S  
9 TIME TO MOVE ON, AND WE LOOK FORWARD TO IMPLEMENT-  
10 ING THIS PACKAGE AS WELL AS WORKING ON THE NEXT  
11 TIERS. THANK YOU VERY MUCH.

12 CHAIRMAN PENNINGTON: THANK YOU. ANY  
13 QUESTIONS OF MR. SWEETSER? OKAY. I THINK IT'S  
14 BEFORE US.

15 BOARD MEMBER FRAZEE: MR. CHAIRMAN, I'D  
16 LIKE TO MOVE RESOLUTION 96-328, WHICH IS THE  
17 NEGATIVE DECLARATION.

18 BOARD MEMBER RELIS: SECOND.

19 CHAIRMAN PENNINGTON: IT'S MOVED AND  
20 SECONDED. MR. CHESBRO.

21 BOARD MEMBER CHESBRO: I DON'T KNOW WHETHER  
22 I WANT TO -- I GUESS I SHOULD BRING IT UP IN  
23 REGULATIONS. NEVER MIND. I'LL WAIT.

24 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN  
25 MOVED AND SECONDED. WILL THE SECRETARY CALL THE



1 ROLL.

2 BOARD SECRETARY: BOARD MEMBER CHESBRO.

3 BOARD MEMBER CHESBRO: AYE.

4 BOARD SECRETARY: FRAZEE.

5 BOARD MEMBER FRAZEE: AYE.

6 BOARD SECRETARY: GOTCH.

7 BOARD MEMBER GOTCH: AYE.

8 BOARD SECRETARY: RELIS.

9 BOARD MEMBER RELIS: AYE.

10 BOARD SECRETARY: CHAIRMAN PENNINGTON.

11 CHAIRMAN PENNINGTON: AYE.

12 BOARD MEMBER FRAZEE: MR. CHAIR, I'D LIKE

13 TO MOVE ADOPTION OF RESOLUTION 96-329, WHICH IS

14 THE ADOPTION OF THE TRANSFER OPERATIONS

15 REGULATIONS.

16 CHAIRMAN PENNINGTON: OKAY. SECOND?

17 BOARD MEMBER RELIS: I'LL SECOND.

18 BOARD MEMBER CHESBRO: MR. FREDENBURG WOULD

19 LIKE TO RESPOND TO CRRC'S ISSUES. I FEEL A LITTLE

20 BIT LIKE PRESIDENT CLINTON SIGNING THE WELFARE

21 BILL AND SAYING WE'LL DEAL WITH THE PROBLEMS

22 LATER. BUT WHAT I WOULD SUGGEST IS THAT WE ADOPT

23 THIS TODAY, BUT THAT WE PERHAPS REFER TO THE

24 POLICY COMMITTEE FOR SOME FURTHER FORUM AND

25 DISCUSSION OR PERMITS -- DOESN'T HAVE TO BE POLICY



1 COMMITTEE. WHATEVER THE OTHER MEMBERS FEEL IS  
2 APPROPRIATE -- FURTHER DISCUSSION ON THE QUESTIONS  
3 THAT HAVE BEEN RAISED ABOUT LOADCHECK ISSUES,  
4 WASTE EXPORT, AND DIVERSION -- EFFECTS ON  
5 DIVERSION FOR FURTHER DISCUSSION OF WHETHER OR NOT  
6 THERE'S IMPACTS THAT OUGHT TO BE DEALT WITH IN  
7 SOME WAY AND HAVE A MORE FULL -- THESE MAY HAVE  
8 BEEN ALL FULLY AIRED, AND I JUST WASN'T IN THE  
9 PERMITTING COMMITTEE MEETINGS. I'M NOT SURE.

10 THEY'RE NEWER TO ME, SO I'M OPEN TO  
11 THAT RESPONSE, THAT YOU ALREADY ALL TALKED ABOUT  
12 THAT AND HEARD IT ALL AND DISCUSSED IT. BUT FROM  
13 MY STANDPOINT, IT SEEMS LIKE IT COULD STAND SOME  
14 FURTHER DISCUSSION AND CONSIDERATION. AND I  
15 WOULD -- MY THOUGHT WAS THAT WE COULD KEEP --  
16 CONTINUE TO LOOK AT THOSE ASPECTS OF THE QUESTION.

17 CHAIRMAN PENNINGTON: OKAY. WE DO HAVE A  
18 MOTION BEFORE US. MAYBE WE CAN TAKE CARE OF THAT.  
19 AND MAYBE CHAIRMAN OF THE PERMITTING COMMITTEE  
20 WOULD LIKE TO RESPOND TO MR. CHESBRO.

21 WOULD YOU -- SECRETARY CALL THE ROLL,  
22 PLEASE.

23 BOARD SECRETARY: BOARD MEMBER CHESBRO.

24 BOARD MEMBER CHESBRO: AYE.

25 BOARD SECRETARY: FRAZEE.



1 BOARD MEMBER FRAZEE: AYE.  
2 BOARD SECRETARY: GOTCH.  
3 BOARD MEMBER GOTCH: AYE.  
4 BOARD SECRETARY: RELIS.  
5 BOARD MEMBER RELIS: AYE.  
6 BOARD SECRETARY: CHAIRMAN PENNINGTON.  
7 CHAIRMAN PENNINGTON: AYE. MOTION CARRIES.  
8 BOARD MEMBER FRAZEE: YES, MR. CHAIRMAN, I  
9 WOULD AGREE THAT IT'S APPROPRIATE TO CONTINUE TO,  
10 AS WE DEAL WITH THIS WHOLE SUBJECT OF SLOTTING THE  
11 TIERED PERMITTING, THAT THERE MAY BE A NEED FOR  
12 CHANGES OR EVEN EXPERIENCE MAY CAUSE US TO WANT TO  
13 MAKE SOME CHANGES IN THAT AREA. SO I THINK IT'S  
14 ONE THAT SHOULD STAY ON OUR PLATE FOR DISCUSSION.  
15 BOARD MEMBER CHESBRO: WOULD YOU HAVE ANY  
16 OBJECTION TO A REFERRAL FROM THE BOARD HERE BY WAY  
17 OF MOTION TO, YOU KNOW, EXAMINE THOSE ISSUES AT  
18 SOME POINT IN THE NEAR FUTURE?  
19 BOARD MEMBER FRAZEE: THAT WOULD BE FINE.  
20 BOARD MEMBER CHESBRO: I WOULD SO MOVE.  
21 BOARD MEMBER GOTCH: I'LL SECOND.  
22 CHAIRMAN PENNINGTON: OKAY. WOULD YOU  
23 CLARIFY YOUR MOTION?  
24 BOARD MEMBER CHESBRO: WELL, THERE ARE  
25 THREE ISSUES THAT I UNDERSTOOD EVAN TO BE RAISING



1 ON BEHALF OF HIS VARIOUS CLIENTS, THE FOOTHILL --  
2 OR THE SIERRA HAULERS AND CRRC HAVE TO DO WITH THE  
3 QUESTION OF WHETHER OR NOT ADEQUATE LOADCHECKING  
4 HAS HAPPENED WHEN A POD SYSTEM IS USED FOR WASTE  
5 TRANSFER, WHAT EFFECTS IT MIGHT HAVE ON WASTE  
6 EXPORT -- EXPORTED WASTE FROM THE STATE, AND WHAT  
7 EFFECT IT MIGHT HAVE ON DIVERSION.

8 NOW, IF YOU GET TOO FAR INTO THE  
9 DIVERSION ISSUE, I HOPE YOU KICK IT BACK TO THE  
10 LOCAL ASSISTANCE COMMITTEE; BUT, NONETHELESS, I  
11 MEAN TO CONSIDER THOSE OTHER RAMIFICATIONS AND  
12 WHETHER OR NOT ANY FURTHER EXAMINATION OF THE USE  
13 OF THE PODS -- POD SYSTEM OR SEALED CONTAINER  
14 SYSTEM IS JUSTIFIED OR NOT, THAT WOULD BE...

15 CHAIRMAN PENNINGTON: AND YOU ARE ASKING  
16 FOR THE PERMITTING COMMITTEE TO LOOK AT THAT.

17 BOARD MEMBER CHESBRO: RIGHT. IF THAT'S --  
18 THE OTHER BOARD MEMBERS AGREE THAT THAT'S THE  
19 RIGHT COMMITTEE. I WOULD SUGGEST POLICY, BUT  
20 PERMITS WOULD BE FINE WITH ME.

21 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN  
22 MOVED AND SECONDED. WILL THE SECRETARY CALL THE  
23 ROLL.

24 BOARD SECRETARY: BOARD MEMBER CHESBRO.

25 BOARD MEMBER CHESBRO: AYE.



1 BOARD SECRETARY: FRAZEE.  
2 BOARD MEMBER FRAZEE: AYE.  
3 BOARD SECRETARY: GOTCH.  
4 BOARD MEMBER GOTCH: AYE.  
5 BOARD SECRETARY: RELIS.  
6 BOARD MEMBER RELIS: AYE.  
7 BOARD SECRETARY: CHAIRMAN PENNINGTON.  
8 CHAIRMAN PENNINGTON: AYE. MOTION CARRIES.  
9 BOARD MEMBER CHESBRO: IT'S THE BEST  
10 IMITATION OF SAM I CAN DO, EVAN.  
11 MR. EDGAR: THANKS, BOB.  
12 BOARD MEMBER CHESBRO: NOT VERY GOOD, I  
13 KNOW, BUT THE BEST I COULD DO.  
14 CHAIRMAN PENNINGTON: I HEARD THAT, EVAN.  
15 OKAY. MOVING ALONG TO ITEM 28. ITEM  
16 28, CONSIDERATION OF AWARD OF 1996/97 CALMAX  
17 CONTRACT. TRGOVCICH. NO. BILL ORR.  
18 MR. ORR: I'LL INTRODUCE KEVIN TAYLOR, WHO  
19 WILL BE PRESENTING THE ITEM ON THE AWARDING OF THE  
20 1996/97 CALMAX CONTRACT.  
21 MR. TAYLOR: GOOD AFTERNOON, CHAIRMAN  
22 PENNINGTON, BOARD MEMBERS. ON THE MAY 29TH  
23 MEETING OF THE BOARD, THEY ALLOCATED \$140,000 OF  
24 1996/97 DISCRETIONARY FUNDS FOR THE CALMAX PROGRAM  
25 AND ITS CONTRACT. AFTER THAT THE SCOPE OF WORK





1 WAS PREPARED AND APPROVED BY THE BOARD ADVISORS.  
2 TWO MAJOR POINTS IN THAT SCOPE OF  
3 WORK. ONE WAS THE CONTINUED DEVELOPMENT AND  
4 PROMOTION OF THE CALMAX INTERNET SITE. AND THIS  
5 IS REALLY IMPORTANT. ONE, IT REDUCES OUR RELIANCE  
6 ON THE CATALOG AND ONE THAT'S PROBABLY THE MAJOR  
7 COST OF THE CONTRACT IN THAT, SO WE'RE TRYING TO  
8 DECREASE THAT AND ALSO INCREASE SERVICE TO THE  
9 CONSTITUENTS OF THE CALMAX PROGRAM.

10 SECOND IS THE -- WELL, BECAUSE OF THE  
11 UNCERTAINTY OF FUTURE FUNDING FOR CONTRACTS, WE  
12 WILL BE WORKING WITH THE CONTRACTOR TO BRING  
13 CERTAIN ASPECTS OF THIS PROGRAM IN HOUSE TO TRY TO  
14 CUT BACK ON COSTS.

15 AFTER THAT -- WELL, THREE BIDS WERE  
16 ACCEPTED OR SUBMITTED TO THE BOARD ON AUGUST 21ST.  
17 BIDS BY THE LOCAL GOVERNMENT COMMISSION, KNOWN AS  
18 LGC FROM SACRAMENTO; PHASE III ENVIRONMENTAL  
19 MANAGEMENT FROM THE EL DORADO HILLS; AND RECYCLING  
20 GROUP FROM DEL MAR, CALIFORNIA.

21 A REVIEW PANEL OF THREE OF THE STAFF  
22 WAS PUT TOGETHER, AND BILL ORR'S STAFF, AND WE  
23 REVIEWED INDEPENDENTLY EACH OF THE PROPOSALS. AND  
24 WE CONVENED WITH A MEMBER OF THE CONTRACTS UNIT AS  
25 WELL AS OUR SUPERVISOR TO DISCUSS SCORING OF



1 PROPOSALS. THE MINIMUM SCORING ON THAT TO BECOME  
2 A VIABLE BIDDER WAS 80 PERCENT, AND ALL THREE  
3 PASSED.

4 LAST, LET'S SEE, ON MONDAY, AUGUST  
5 26TH AT 10 A.M., THE BIDS WERE OPENED. THE  
6 MINIMUM BID WAS BY PHASE III ENVIRONMENTAL  
7 MANAGEMENT. IT WAS THE LOWEST QUALIFIED BIDDER AT  
8 \$135,640.

9 SO THE STAFF RECOMMENDS THAT THE BOARD  
10 ACCEPT THE PROPOSED SCORING AND AWARD THE 1996/97  
11 CALMAX CONTRACT TO THE LOWEST QUALIFIED BIDDER,  
12 WHICH IS PHASE III ENVIRONMENTAL MANAGEMENT.

13 MS. TRGOVCICH: MR. CHAIRMAN, I'D JUST LIKE  
14 TO POINT OUT FOR YOUR INFORMATION THAT BECAUSE THE  
15 STAFF WANTED TO SEE WHAT WAS POSSIBLE TO AVOID A  
16 BREAK IN THE PRODUCTION OF THE CATALOG, THIS ITEM  
17 BYPASSED THE ADMINISTRATION COMMITTEE AND CAME  
18 DIRECTLY TO THE BOARD THIS MONTH. WITH THE BID  
19 DEADLINE BEING AUGUST 21ST, WE WERE HOPEFUL THAT  
20 WE WOULD BE ABLE TO EVALUATE THE PROPOSALS AND  
21 PRESENT THE LOW BID TO THE BOARD AT ITS MONTHLY  
22 MEETING.

23 CHAIRMAN PENNINGTON: OKAY.

24 BOARD MEMBER CHESBRO: MR. CHAIRMAN.

25 CHAIRMAN PENNINGTON: YES, MR. CHESBRO.



1 BOARD MEMBER CHESBRO: I'VE GOT LIKE A  
2 TRIPLE HYPHENATED SURNAME TODAY. JUST CALL ME  
3 CHESBRO-FREDENBURG-EGIGIAN.

4 WHILE I VERY MUCH SUPPORT THE COMPE-  
5 TITIVE BIDDING PROCESS, AND AT THIS POINT I WISH  
6 THAT WE LOOKED AT A WAY TO TRY TO USE AN INTER-  
7 AGENCY AGREEMENT APPROACH TO THIS PARTICULAR  
8 CONTRACT BECAUSE I DON'T KNOW THAT THE -- HOW  
9 AWARE MY COLLEAGUES ARE OF EXACTLY WHAT THE LOCAL  
10 GOVERNMENT COMMISSION IS, WHO HAS BEEN OPERATING  
11 THIS FOR US. IT IS A NONPROFIT ORGANIZATION WITH  
12 MEMBERSHIP OF LOCAL GOVERNMENTS ALL OVER THE  
13 STATE. I THINK IT'S GOT SEVERAL HUNDRED LOCAL  
14 GOVERNMENT OFFICIALS.

15 AND SO IT HAS PROVIDED SEVERAL UNIQUE  
16 FUNCTIONS IN THEIR OPERATION OF THIS CONTRACT.  
17 ONE IS THAT THEY USE QUITE A BIT OF, SIMILAR TO  
18 EUGENE, IT USED QUITE A BIT OF STUDENT LABOR,  
19 WHICH IS EITHER FREE OR VERY INEXPENSIVE, FROM UC  
20 DAVIS. AND SECONDLY, THEY HAVE A NETWORK IN TERMS  
21 OF LOCAL GOVERNMENT CREDIBILITY, A NETWORK OF  
22 LOCAL GOVERNMENT OFFICIALS IN EVERY REGION OF THE  
23 STATE, WHICH HAS HELPED THEM IN TERMS OF THE  
24 INTERFACE OF CALMAX WITH LOCAL GOVERNMENTS.

25 AND SO I GUESS, WHILE I CERTAINLY



1 THINK WE'RE REQUIRED TO SUPPORT THE LOW BIDDER IN  
2 THE PROCESS, I AM SEEKING FROM STAFF SOME ASSUR-  
3 ANCE THAT THERE'S NOT ANY CONCERN ABOUT LOSS OF  
4 CAPABILITY TO DELIVER THE PRODUCT. YOU KNOW,  
5 THERE'S A DOLLAR AMOUNT THAT'S ON THE PAGE -- BY  
6 THE WAY, I THINK WE'RE SAVING \$4,000 BY SWITCHING  
7 BIDDERS HERE IF I'M CORRECT, EITHER THREE OR FOUR.  
8 THAT'S ABOUT THE DIFFERENCE I WAS ABLE TO ASCER-  
9 TAIN BETWEEN THE TWO BIDS. WHETHER OR NOT, IN  
10 FACT, THE DEGREE OF PRODUCT OR DEGREE OF EFFORT  
11 THAT WAS PUT OUT BY LGC ACTUALLY, THEN WE'RE GOING  
12 TO BE ABLE TO REPLACE IT WITH A CONTRACT OF  
13 SOMEBODY WHO HAS TO PAY LIVING WAGES, LIVABLE  
14 WAGES TO THEIR EMPLOYEES PRESUMABLY AND WHO IS  
15 OPERATING ON A MORE TYPICAL CONSULTANT BASIS. AND  
16 WHETHER ANY OF THOSE THINGS WERE TAKEN INTO  
17 CONSIDERATION.

18 I KNOW IT'S HARD IN THE COMPETITIVE  
19 BIDDING PROCESS. LIKE I SAY, I WISH WE -- NOW IN  
20 RETROSPECT I WISH WE HAD CONSIDERED LOOKING AT AN  
21 INTERAGENCY AGREEMENT PROCESS WITH SOME OTHER  
22 PUBLIC ENTITY THAT LGC COULD WORK WITH OR  
23 SOMETHING. BUT I'M JUST LOOKING FOR SOME COMFORT  
24 LEVEL THAT WE'RE NOT GOING TO LOSE ANY OF THE  
25 QUALITY OF WHAT WE'VE BEEN ABLE TO ACHIEVE WITH



1 CALMAX SO FAR.

2 MR. ORR: I THINK I CAN MAKE A COUPLE OF  
3 COMMENTS. FIRST OF ALL, THE LOCAL GOVERNMENT  
4 COMMISSION HAS BEEN THE CONTRACTOR FOR THE CALMAX  
5 PROGRAM EVER SINCE ITS INCEPTION. AND EACH YEAR  
6 THEY HAVE GOTTEN THE CONTRACT VIA THE COMPETITIVE  
7 BIDDING ROUTE.

8 I THINK THERE'S A COUPLE OF ASSURANCES  
9 THAT I CAN MAKE. FIRST OF ALL, THE CALMAX STAFF  
10 WERE ON THE REVIEW PANEL, AND I THINK THEY WOULD  
11 NOT PUT -- HAVE PUT FORWARD A QUALIFYING BID IF  
12 THEY WERE NOT COMFORTABLE THAT THEY COULD CONTINUE  
13 TO PROVIDE THE KIND OF EXCELLENCE THAT WE'VE  
14 BECOME ACCUSTOMED TO WITH THE CALMAX PROGRAM. SO  
15 THERE'S THAT FIRST LEVEL OF ASSURANCE.

16 FROM A MORE PRACTICAL STANDPOINT, WE  
17 KNOW THAT THEY PLAN ON USING THE SAME PRINTER THAT  
18 HAS PRODUCED THE CALMAX CATALOG AS WELL, SO THERE  
19 WILL BE CONTINUITY THERE AS WELL. AND STAFF ALSO  
20 MET YESTERDAY WITH THE LOCAL GOVERNMENT COMMIS-  
21 SION, AND THEY REALIZED THAT THIS BASICALLY WAS A  
22 COMPETITIVE PROCESS. AND THEY EXPRESSED TO US OUR  
23 COMMITMENT TO MAKE A SMOOTH TRANSITION BETWEEN  
24 CONTRACTORS.

25 SO I THINK THOSE ARE ALL THREE THINGS



1 THAT I CAN GIVE ASSURANCES TO, THAT STAFF ARE  
2 COMFORTABLE WITH THE PROPOSALS AS REVIEWED;  
3 SECONDLY, THAT THERE WILL BE THE SAME PRINTER THAT  
4 WILL BE USED; AND, THIRD, THAT LGC HAS EXPRESSED A  
5 COMMITMENT TO ENSURING A SMOOTH TRANSITION.

6 BOARD MEMBER CHESBRO: THAT'S FOR ONE MORE  
7 THAT WE'VE GOT A COMFORT LEVEL.

8 IN TERMS OF THE TRANSITION TO THE  
9 ON-LINE SERVICE, IS THERE AN EQUAL COMFORT LEVEL,  
10 THAT THE CAPABILITY IS THERE TO CONTINUE THAT  
11 PROCESS?

12 MR. ORR: YEAH. WELL, FIRST OF ALL, THE  
13 LOCAL GOVERNMENT COMMISSION WILL BE UNDER CONTRACT  
14 WITH US FOR A VARIETY OF THINGS, INCLUDING THE  
15 MINIMAX SUMMIT THROUGH NOVEMBER. SO THEY WILL  
16 STILL BE DOING SOME WORK ON THE CALMAX AND RELATED  
17 PROGRAMS THROUGH NOVEMBER.

18 SECONDLY, AS FAR AS THE BOARD'S  
19 ON-LINE CAPABILITY, IT'S ACTUALLY MAINTAINED ON  
20 OUR OWN PAGE, AND THE INFORMATION IS REFRESHED BY  
21 LOCAL GOVERNMENT COMMISSION. SO THAT SHOULD NOT  
22 REPRESENT ANY KIND OF CHANGE TO OUR ABILITY TO  
23 MAINTAIN THE ON-LINE SYSTEM.

24 BOARD MEMBER CHESBRO: WHILE, YOU KNOW, I  
25 THINK WE NEED TO SUPPORT THE LOW BIDDER, I WOULD



1     LIKE TO MAKE A FAIRLY UNUSUAL REQUEST. NORMALLY  
2     YOU DON'T LIKE TO GO WITH ANY EXTRAORDINARY EFFORT  
3     WITH A BIDDER WHO'S BEEN PROVIDING A CONTRACT  
4     SERVICE, BUT I DO THINK THAT IT'D BE NICE FOR US  
5     TO RECOGNIZE THE -- IT'S A NONPROFIT ORGANIZATION.  
6     AS I SAID, IT'D BE NICE FOR US TO RECOGNIZE THE  
7     CONTRIBUTION TO CALMAX THAT HAS BEEN MADE BY LGC  
8     IN SOME APPROPRIATE FASHION. I THINK IT'S MORE  
9     THAN JUST A CONTRACT. THEY HAVE BEEN SORT OF A  
10    LITTLE HEART AND SOUL KIND OF AN EFFORT ON BEHALF  
11    OF LOCAL GOVERNMENTS LARGELY BECAUSE THEY'RE  
12    CONCERNED ABOUT CALMAX SUCCESSFULLY SERVING THE  
13    LOCAL GOVERNMENT DIVERSION REQUIREMENTS.

14       CHAIRMAN PENNINGTON: OKAY.

15       BOARD MEMBER RELIS: I WOULD SAY LGC HAS  
16    DONE AN OUTSTANDING JOB FOR US.

17       CHAIRMAN PENNINGTON: THEY HAVE.

18       BOARD MEMBER RELIS: PIONEERED IT. AND  
19    KIND OF REMINDED OF THE TRANSITION WE MADE IN THE  
20    MARKETS WITH SCOTT BRODY AND HIS PIONEERING THE  
21    LOAN PROGRAM, SO I THINK THERE ARE A LOT OF  
22    PARALLELS HERE. AND I WOULD CERTAINLY SUPPORT  
23    THAT WE ACKNOWLEDGE THEM FORMALLY.

24       CHAIRMAN PENNINGTON: OKAY. WE HAVE AN  
25    ITEM BEFORE US HERE. MAKE A MOTION.

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1 BOARD MEMBER RELIS: I MOVE THE CONTRACT BE  
2 LET AS RECOMMENDED BY STAFF.

3 BOARD MEMBER CHESBRO: I'LL SECOND IT. AND  
4 I WOULD APPRECIATE IT IF YOU INCLUDE IN THE MOTION  
5 DIRECTION TO STAFF -- BETTER AS A SEPARATE  
6 MOTION -- BUT WOULD BE FOR US TO DIRECT STAFF, I  
7 THINK, TO PREPARE A RESOLUTION FOR BOARD MEMBER  
8 SIGNATURES TO SUBMIT TO LGC FOR THEIR CONTRI-  
9 BUTION.

10 BOARD MEMBER RELIS: THAT'S FINE.

11 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND  
12 SECONDED THAT THE STAFF RECOMMENDATION ON THE  
13 CALMAX CONTRACT BE ACCEPTED AND THAT A RESOLUTION  
14 TO LGC BE PREPARED BY THE STAFF. SECRETARY CALL  
15 THE ROLL.

16 BOARD SECRETARY: BOARD MEMBER CHESBRO.

17 BOARD MEMBER CHESBRO: AYE.

18 BOARD SECRETARY: FRAZEE.

19 BOARD MEMBER FRAZEE: AYE.

20 BOARD SECRETARY: GOTCH.

21 BOARD MEMBER GOTCH: AYE.

22 BOARD SECRETARY: RELIS.

23 BOARD MEMBER RELIS: AYE.

24 BOARD SECRETARY: CHAIRMAN PENNINGTON.

25 CHAIRMAN PENNINGTON: AYE. MOTION CARRIES.





1           MOVE TO ITEM 29, CONSIDERATION OF  
2   THE APPROVAL AND AWARD OF A CONTRACT WITH SUKUT  
3   CONSTRUCTION FOR THE PARTIAL CLOSURE OF YUBA  
4   SUTTER DISPOSAL AREA LANDFILL.

5           MS. RICE: SCOTT WALKER WILL MAKE THIS  
6   PRESENTATION FOR STAFF.

7           MR. WALKER: IN JULY THE BOARD APPROVED ON  
8   CONSENT A COMBINED PROJECT FOR THE YUBA SUTTER  
9   DISPOSAL AREA LANDFILL INCLUDING REMEDIATION  
10  THROUGH THE AB 2136 PROGRAM AND PARTIAL CLOSURE  
11  UTILIZING THE EXISTING CLOSURE TRUST FUND AND AB  
12  2136 CONTRACTOR, SUKUT CONSTRUCTION INCORPORATED.

13           PURSUANT TO THE REQUIRED CONTRACT  
14  PROCEDURES, SEPARATE BOARD APPROVAL IS REQUIRED  
15  FOR THE SPECIFIC SOLE SOURCE PARTIAL CLOSURE  
16  CONSTRUCTION CONTRACT. THE ITEM BEFORE YOU  
17  ADDRESSES THIS ISSUE.

18           IN ADDITION, DUE TO THE TIME CON-  
19  STRAINTS, THIS ITEM REQUIRED SUBMITTAL DIRECTLY TO  
20  THE BOARD RATHER THAN TO THE COMMITTEE FIRST. THE  
21  APPROVED PARTIAL CLOSURE PROJECT PORTION OF THE  
22  PROJECT WILL INVOLVE PLACEMENT OF A BARRIER LAYER  
23  WITHIN THE TOP DECK PORTION OF THE LANDFILL TO  
24  HELP CONTROL POTENTIAL LEACHATE AND LANDFILL GAS  
25  MIGRATION. APPROXIMATELY \$231,000 IS AVAILABLE



1 FOR PARTIAL CLOSURE FROM THE EXISTING CLOSURE/  
2 POSTCLOSURE TRUST FUND.

3 THE PROPOSED SOLE SOURCE CONTRACT WITH  
4 SUKUT CONSTRUCTION IS NECESSARY BECAUSE CONSTRUC-  
5 TION MUST BE COMPLETED PRIOR TO NEXT WINTER TO  
6 PREVENT FURTHER ENVIRONMENTAL DEGRADATION, AND THE  
7 SOLE SOURCE CONTRACT MAXIMIZES THE ENVIRONMENTAL  
8 BENEFITS WITH THE LIMITED FUNDS AVAILABLE.

9 THE TIME FRAME FOR COMPLETING A  
10 SEPARATE OPEN BID CONTRACT PROCESS WOULD PRECLUDE  
11 THE PARTIAL CLOSURE PROJECT FROM BEING COMPLETED  
12 WITHIN THE REQUIRED TIME FRAME.

13 IN CONCLUSION, STAFF RECOMMEND THE  
14 BOARD ADOPT THE ATTACHED RESOLUTION NO. 96-403 FOR  
15 APPROVAL AND AWARD OF A SOLE SOURCE CONTRACT WITH  
16 SUKUT CONSTRUCTION INCORPORATED FOR PARTIAL  
17 CLOSURE OF YUBA SUTTER DISPOSAL AREA, YUBA COUNTY.  
18 THANK YOU.

19 CHAIRMAN PENNINGTON: THANK YOU. ANY  
20 QUESTIONS OF THE STAFF? OKAY. I GUESS WE'RE  
21 READY FOR A MOTION.

22 BOARD MEMBER FRAZEE: MOVE ADOPTION OF  
23 RESOLUTION 96-403.

24 BOARD MEMBER GOTCH: SECOND.

25 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND



1     SECONDED. WILL THE SECRETARY CALL THE ROLL.  
2     BOARD SECRETARY: BOARD MEMBER CHESBRO.  
3     BOARD MEMBER CHESBRO: AYE.  
4     BOARD SECRETARY: FRAZEE.  
5     BOARD MEMBER FRAZEE: AYE.  
6     BOARD SECRETARY: GOTCH.  
7     BOARD MEMBER GOTCH: AYE.  
8     BOARD SECRETARY: RELIS.  
9     BOARD MEMBER RELIS: AYE.  
10    BOARD SECRETARY: CHAIRMAN PENNINGTON.  
11    CHAIRMAN PENNINGTON: AYE. MOTION IS  
12    CARRIED.  
13           WE'LL GO TO ITEM 30, OPEN  
14    DISCUSSION. I HAVE NO SLIPS FOR OPEN DISCUSSION.  
15    SO WE WILL RECESS TO A CLOSED SESSION TO DISCUSS  
16    SOME LITIGATION.  
17    MS. TOBIAS: MR. CHAIRMAN, THERE WAS A  
18    PERSON WHO WAS AT LEAST PLANNING TO SPEAK TODAY  
19    AND PERHAPS IS NOT HERE, BUT IT WAS MR.  
20    JAMGOTCHIAN.  
21    CHAIRMAN PENNINGTON: CORRECT.  
22    MS. TOBIAS: AND DOES ANYBODY KNOW IF HE'S  
23    AROUND? I JUST WANTED TO CHECK. THANKS.  
24    CHAIRMAN PENNINGTON: WE'LL RECESS TO A  
25    CLOSED SESSION IN THE BOARD CHAMBER ROOM.



1 (THE BOARD THEN RECESSED TO CLOSED  
2 SESSION AT 2:12 P.M.)  
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## *Reporter's Certificate*

\* \* \* \* \*

I, Beth C. Drain hereby certify:

that on the 28th of  
August, 1996, I did report in  
shorthand the testimony of the foregoing  
hearing;

that at the conclusion of the above entitled matter,  
I did transcribe my shorthand notes into  
typewriting;

that the foregoing transcript is a true and correct  
record of my shorthand notes thereof.

Beth C. Drain

Certified Shorthand Reporter  
Certificate No. 7152

